

Standing Appropriations Bill House File 2465

As amended by H-8513

(Strike everything after the enacting clause)

Last Action:

Senate Floor

May 1, 2012

An Act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>

LSA Contacts: David Reynolds (515-281-6934) Estelle Montgomery (515-725-2261) Adam Broich (515-281-8223)

FUNDING SUMMARY

- **OVERALL FUNDING SUMMARY:** Amendment H-8513 reduces FY 2013 General Fund appropriations by a net amount of \$53.1 million and makes a total of \$18.9 million in General Fund supplemental appropriations for FY 2012. Page 1, Line 3

MAJOR INCREASES, DECREASES, OR TRANSFERS OF EXISTING PROGRAMS

- Limits the General Fund appropriation to the Department of Cultural Affairs (DCA) for operational support grants and community cultural grants to \$416,000. Page 1, Line 16
- Limits the General Fund appropriation to the Department of Economic Development (DED) for regional tourism marketing to \$810,000. Page 1, Line 21
- Restores the General Fund appropriation to the Department of Public Health (DPH) for the Center for Congenital and Inherited Disorders Central Registry to the estimated statutory level of \$232,500. Page 1, Line 25
- Restores the General Fund appropriation to the Department of Human Services (DHS) for Child Abuse Prevention Programs to the estimated statutory level of \$232,500. Page 1, Line 29
- Limits the General Fund appropriation to the Department of Education for Children At-Risk Programs to \$10.7 million. Requires the reduction to be prorated among the programs specified in statute that are to receive funding. Page 1, Line 33
- Limits the General Fund appropriation to the Department of Revenue for tobacco reporting enforcement to \$18,000. Page 1, Line 48
- Appropriates \$137,000 from the General Fund to the DPH to contract the development of an Iowa youth suicide prevention program. Page 2, Line 21
- Appropriates \$48.8 million from the Taxpayers Trust Fund to the Homestead Credit Fund in lieu of an equal appropriation from the General Fund. Between the two funding sources, the Homestead Property Tax Credit will be fully funded in FY 2013. Page 3, Line 13
- Appropriates \$6.7 million from the Taxpayers Trust Fund to the Agricultural Land Credit Fund in lieu of an equal appropriation from the General Fund. Between the two funding sources, the Agricultural Land Tax Credit will be fully funded in FY 2013. Page 3, Line 29

- Appropriates up to \$1.0 million from the General Fund to the Department of Transportation for three fiscal years beginning in FY 2013 for the Keep Iowa Beautiful Fund. The actual appropriation will be equal to the excess lottery proceeds after the first \$64.9 million is transferred to the General Fund. Page 4, Line 6
- Requires the Board of Regents and the University of Northern Iowa (UNI) to operate, maintain, staff, and fund the Malcolm Price Laboratory School through FY 2013. The Senate amendment provides a supplemental appropriation to the UNI and allows the funds to be expended in FY 2013 for the operation of Malcolm Price Laboratory School. Page 9, Line 15
- Establishes the FY 2014 regular school aid allowable growth rate and each of the FY 2014 State categorical supplement allowable growth rates at 4.0%. Page 42, Line 23

FISCAL IMPACT: The following provides the estimated fiscal impact for FY 2014:

- An increase of State aid for regular school aid of \$122.5 million.
- An increase of State aid for the Statewide Voluntary Preschool Program of \$5.5 million.
- An increase of State aid for the State categorical supplements of \$14.6 million.
- The total estimated General Fund expenditure increase for State school aid is estimated at \$142.6 million for FY 2014.
- The estimated increase in school aid property taxes is \$59.0 million.
- The estimated increase in the combined district cost is \$196.2 million.

SIGNIFICANT CODE CHANGES

- Extends the reversion of the FY 2008 Rebuild Iowa Infrastructure Fund (RIIF) appropriations to the Department of Administrative Services (DAS) for costs associated with leases and relocation of State agencies located off the Capitol Complex and with the restoration and development of the West Capitol Terrace through the end of FY 2013. Page 4, Line 18
- Increases the limit on earnable compensation from one and one-half times the earnable compensation of an active member of the same rank and position on the salary scale to two and one-half times for the Peace Officers' Retirement System (PORS). Page 6, Line 46
- Extends the bona fide retirement exception under the Iowa Public Employees' Retirement System (IPERS) for licensed health care professionals for two years. Page 8, Line 8
- Permits up to 5.0% of preschool foundation aid received by a school district to be used for administering the Page 8, Line 43

program beginning in FY 2013. Also specifies that beginning in FY 2013, at least 95.0% of the preschool formula foundation aid be paid to the community-based provider for the approved local program. Additionally, beginning in FY 2012, allows not more than 5.0% of the funding paid to the community-based provider to be used for provider administrative costs.

- Reduces the FY 2013 State aid funding to area education agencies (AEAs) by an additional \$5.0 million (from \$10.0 million to \$15.0 million). Page 9, Line 24
- Requires first priority in awarding Iowa Grants to be given to qualified children of peace officers, police officers, firefighters, sheriffs, or deputies that have been totally and permanently disabled or killed in the line of duty. Page 9, Line 37
- Makes technical corrective changes to various bills that have passed both the House and the Senate. Page 15, Line 32
- Requires partnerships doing business in the State of Iowa or deriving income from sources within the State to file an Iowa partnership return. Page 31, Line 40
- Allows applications for partial property tax exemptions (property tax abatements) to be filed no later than two assessment years after the project is completed. Page 33, Line 35
- Requires offenders revoked from probation to receive credit for time served while in an alternate jail facility or community corrections facility. Permits a person that commits an offense before the effective date of this Bill to waive any rights under the *Anderson* case, and agree to be sentenced using credits as calculated under this Bill. Page 34, Line 40
- Prohibits installments payments on a property tax assessment unless the assessment exceeds \$500. This is an increase from the \$100 limit in current law. Page 35, Line 30
- Allows a county treasurer to appropriate partial payment of delinquent taxes to the various local taxing entities either on a monthly basis after such amounts are collected or following the due date of the next semiannual tax installment. Page 37, Line 30
- Allows a city that is subject to a judgment, court-approved settlement, court-approved compromise, refund, or other required return of previously collected franchise fee revenue to impose a franchise fee at the rate of up to 7.5% for any seven-year time period beginning July 1, 2012, through June 30, 2030. Page 43, Line 29
- Eliminates the repeal of the Early Intervention Block Grant Program. Under current law, the Program would Page 46, Line 6

be repealed at the end of FY 2012.

- Modifies the placement in district court and the sentencing options for a youthful offender. Page 46, Line 12
- Expands the definition, for sales and use tax collection purposes, of a retailer maintaining a place of business in the State to include any person that has substantial nexus in Iowa, other than a common carrier, if that person engages in various retail activities. Page 53, Line 14
- Makes changes to the Commercial Establishment Fund administered by the DALs by defining when a fiscal quarter ends and creating two accounts within the Fund. Page 55, Line 33

SUPPLEMENTAL APPROPRIATIONS

- Makes a \$320,000 General Fund FY 2012 supplemental appropriation to the Department of Cultural Affairs (DCA) for FY 2012 to be used to preserve and restore the Iowa State Memorial at Vicksburg National Military Park in Mississippi. Page 25, Line 28
- Makes a \$3.0 million General Fund FY 2012 supplemental appropriation to the Board of Regents for the Malcolm Price Laboratory School. Page 27, Line 17
- Makes a \$2.9 million FY 2012 supplemental appropriation from the Economic Emergency Fund to the Department of Natural Resources (DNR) to repair damage caused by flooding of the Missouri River. Page 27, Line 33
- Makes a \$5.0 million General Fund FY 2012 supplemental appropriation to the Statewide Fire and Police Retirement System Fund and permits the money to carryforward. Page 28, Line 7
- Makes a \$50,000 General Fund FY 2012 supplemental appropriation to the Department of Public Safety (DPS) for a Public Safety Training and Facilities Task Force. The Department is required to provide interim reports to the General Assembly by December 31 of each year and a final report by December 31, 2015 (FY 2016). Page 28, Line 24
- Makes a \$5.0 million General Fund FY 2012 supplemental appropriation to the Department of Agriculture and Land Stewardship (DALs) for the Watershed Improvement Review Board. Page 30, Line 45
- Makes a \$5.5 million General Fund FY 2012 supplemental appropriation to the Board of Regents for the Bioscience Initiative at Iowa State University (ISU). Page 31, Line 11

H8513 provides for the following changes to the Code of Iowa.

| Page # | Line # | Bill Section | Action | Code Section | Description |
|--------|--------|--------------|--------------------|---------------------|-------------|
| 5 | 13 | 14 | Strike | 16.27.4,5 | |
| 5 | 15 | 15 | Amend | 16.27.6 | |
| 5 | 34 | 16 | New | 17A.6A | |
| 6 | 6 | 17 | Strike and Replace | 17A.7.2 | |
| 6 | 23 | 18 | Amend | 17A.8.4 | |
| 6 | 46 | 19 | Amend | 97A.6.7.a.(1) | |
| 8 | 8 | 20 | Amend | 97B.52A.1.c.(2).(b) | |
| 8 | 17 | 21 | Amend Free-form | 123.49.2.d,e | |
| 8 | 43 | 22 | Add | 256C.4.1.g | |
| 9 | 15 | 23 | New | 256G.5 | |
| 9 | 24 | 24 | Amend | 257.35.7 | |
| 9 | 37 | 25 | Amend | 261.93 | |
| 10 | 32 | 26 | Amend | 261.93A | |
| 11 | 5 | 27 | Amend | 261.95.1 | |
| 11 | 19 | 28 | Amend | 321.20B.6 | |
| 11 | 25 | 29 | New | 327F.21 | |
| 12 | 24 | 32 | Amend | 422.11D.2 | |
| 13 | 1 | 33 | Amend | 507.14.4 | |
| 13 | 15 | 34 | New | 514C.29 | |
| 14 | 6 | 35 | Add | 598.41.3.k | |
| 15 | 34 | 44 | Amend | 9B.2.10.a | |
| 15 | 41 | 45 | Amend Free-form | 105.2.8 | |
| 16 | 13 | 46 | Amend | 135.156E.1.b | |
| 16 | 19 | 47 | Amend Free-form | 135C.6.8.a,b | |
| 16 | 48 | 48 | Amend | 144D.3.4 | |
| 17 | 14 | 49 | Amend | 152B.2.1.a.(2) | |
| 17 | 26 | 50 | Amend | 152B.3.1.u1 | |
| 17 | 35 | 51 | Amend | 152B.3.2 | |
| 17 | 43 | 52 | Amend | 152B.4 | |
| 18 | 6 | 53 | Amend | 161A.63 | |
| 18 | 32 | 54 | Amend | 203C.14 | |
| 19 | 34 | 55 | Amend Free-form | 249A.12.5 | |
| 20 | 3 | 56 | Amend | 261.115.3.c,d | |
| 20 | 20 | 57 | Amend | 261.115 | |
| 20 | 40 | 58 | Amend | 261.115.9.b | |
| 20 | 49 | 59 | Amend | 273.2.3 | |
| 21 | 16 | 60 | Add | 321.188.6.c | |
| 21 | 22 | 61 | Amend Free-form | 321.323A.3.c.(1) | |

H8513 provides for the following changes to the Code of Iowa.

| Page # | Line # | Bill Section | Action | Code Section | Description |
|--------|--------|--------------|-----------------|-----------------|-------------|
| 21 | 31 | 62 | Amend | 321.457.2.n.(4) | |
| 21 | 44 | 64 | Amend Free-form | 322.5.6.b.(2) | |
| 22 | 2 | 65 | New | 326.3.19 | |
| 22 | 12 | 66 | Amend | 418.4.1.b | |
| 22 | 28 | 67 | Amend | 418.5.7 | |
| 22 | 33 | 68 | Amend | 418.9.2.g | |
| 22 | 40 | 69 | Amend | 504.719 | |
| 22 | 48 | 70 | Amend | 508.37.5.a,c | |
| 23 | 21 | 71 | Amend | 515I.1.2 | |
| 23 | 26 | 72 | Amend | 536A.10 | |
| 24 | 7 | 73 | Amend | 602.9202.4 | |
| 24 | 16 | 74 | Amend | 617.11.3.u1 | |
| 31 | 31 | 95 | Strike | 2.48.3.c.(4) | |
| 31 | 34 | 96 | Strike | 2.48.3.e.(5) | |
| 31 | 37 | 97 | Strike | 15.119.2.e | |
| 31 | 40 | 98 | Amend | 422.15.2 | |
| 32 | 2 | 99 | Amend | 422.25.1.b | |
| 32 | 29 | 100 | Strike | 422.33.9,27 | |
| 32 | 32 | 101 | Amend | 423.37.2 | |
| 33 | 11 | 102 | Amend | 424.10.2.a | |
| 33 | 35 | 103 | Amend | 427B.4 | |
| 34 | 26 | 104 | Repeal | 16.211,16.212 | |
| 34 | 42 | 107 | Amend | 907.3.3.u1 | |
| 35 | 32 | 110 | Amend | 161A.35.u1 | |
| 35 | 44 | 111 | Amend | 311.17.1 | |
| 36 | 15 | 112 | Amend | 311.19.u1 | |
| 36 | 23 | 113 | Amend | 331.384.3 | |
| 36 | 31 | 114 | Amend | 357.20 | |
| 36 | 46 | 115 | Amend | 358.16.3 | |
| 37 | 5 | 116 | Amend | 364.13 | |
| 37 | 14 | 117 | Amend | 384.60.1.b | |
| 37 | 19 | 118 | Amend | 384.65.1 | |
| 37 | 30 | 119 | Amend | 435.24.6.b | |
| 38 | 4 | 120 | Amend | 445.36A.2 | |
| 38 | 28 | 121 | Amend | 445.57.u1 | |
| 38 | 47 | 122 | Amend | 446.32 | |
| 39 | 23 | 123 | Amend | 468.57.1 | |
| 40 | 50 | 124 | Amend | 28B.1.1.u1 | |

H8513 provides for the following changes to the Code of Iowa.

| Page # | Line # | Bill Section | Action | Code Section | Description |
|--------|--------|--------------|-----------------|----------------|-------------|
| 41 | 9 | 125 | Amend | 28B.4 | |
| 41 | 43 | 126 | Amend | 216A.132.1.c | |
| 42 | 21 | 127 | Repeal | 249A.36 | |
| 42 | 25 | 128 | Amend Free-form | 257.8.1 | |
| 42 | 41 | 129 | Amend | 257.8.2 | |
| 43 | 31 | 133 | Amend | 364.2.4.f | |
| 44 | 37 | 134 | Add | 384.3A.3.j | |
| 45 | 11 | 136 | Amend Free-form | 514J.102.1,10 | |
| 45 | 37 | 137 | Add | 514J.102.11A | |
| 45 | 43 | 138 | Amend | 514J.103.1 | |
| 45 | 49 | 139 | Amend | 514J.103.2.a | |
| 46 | 8 | 140 | Repeal | 256D.9 | |
| 46 | 14 | 142 | Amend | 232.8.1.c | |
| 46 | 45 | 143 | Amend | 232.8.3.a | |
| 47 | 16 | 144 | Amend | 232.45.6.u1 | |
| 47 | 23 | 145 | Amend | 232.45.7.a.(1) | |
| 47 | 31 | 146 | Amend | 232.45A.2,3 | |
| 48 | 14 | 147 | Amend | 232.50.1 | |
| 48 | 24 | 148 | Amend | 232.52.1 | |
| 48 | 44 | 149 | Amend Free-form | 232.54.1.g | |
| 49 | 20 | 150 | Amend Free-form | 232.54.1.h.u1 | |
| 49 | 30 | 151 | Amend Free-form | 232.55.3 | |
| 49 | 38 | 152 | Amend | 232.56 | |
| 50 | 5 | 153 | Add | 901.5.14 | |
| 50 | 18 | 154 | Amend | 907.3A | |
| 52 | 9 | 155 | Amend | 8D.10 | |
| 52 | 21 | 156 | Amend | 262.93 | |
| 52 | 37 | 157 | Amend | 263.19 | |
| 53 | 2 | 158 | Amend | 432.13 | |
| 53 | 16 | 159 | Amend | 423.1.47 | |
| 53 | 42 | 160 | Amend | 423.1.48 | |
| 54 | 41 | 161 | New | 423.13A | |
| 55 | 13 | 162 | Add | 423.36.1A | |
| 55 | 35 | 163 | Add | 162.2.12A,16A | |
| 55 | 41 | 164 | Amend | 162.2.27 | |
| 55 | 48 | 165 | Add | 162.2C.2A,2B | |
| 56 | 24 | 166 | New | 162.2D | |
| 57 | 35 | 167 | Add | 717B.1.3A | |

H8513 provides for the following changes to the Code of Iowa.

| Page # | Line # | Bill Section | Action | Code Section | Description |
|---------------|---------------|---------------------|---------------|---------------------|--------------------|
| 57 | 39 | 168 | New | 717B.5A | |

H8513 Senate amendment to

1 1 Amend House File 2465, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 1 By striking everything after the enacting clause
1 4 and inserting:

1 5 DIVISION I
1 6 STANDING APPROPRIATIONS AND RELATED MATTERS

1 7 Section 1. 2011 Iowa Acts, chapter 131, section 42,
1 8 is amended to read as follows:
1 9 SEC. 42. LIMITATION OF STANDING APPROPRIATIONS.
1 10 Notwithstanding the standing appropriations in the
1 11 following designated sections for the fiscal year
1 12 beginning July 1, 2012, and ending June 30, 2013, the
1 13 amounts appropriated from the general fund of the state
1 14 pursuant to these sections for the following designated
1 15 purposes shall not exceed the following amounts:

1 16 1. For operational support grants and community
1 17 cultural grants under section 99F.11, subsection 3,
1 18 paragraph "d", subparagraph (1):
1 19 \$ 208,351
1 20 416,702

CODE: Limits selected FY 2012 standing appropriations to specified amounts.

Limits the General Fund appropriation to the Department of Cultural Affairs (DCA) for operational support grants and community cultural grants to \$416,702.

DETAIL: This is an increase of \$208,351 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated FY 2012. Iowa Code section 99F.11 funds this Program with wagering tax revenues that are deposited in the General Fund and then appropriated to the DCA.

1 21 2. For regional tourism marketing under section
1 22 99F.11, subsection 3, paragraph "d", subparagraph (2):
1 23 \$ 405,153
1 24 810,306

Limits the General Fund appropriation to the Department of Economic Development (DED) for regional tourism marketing to \$810,306.

DETAIL: This is an increase of \$405,153 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated FY 2012. Iowa Code section 99F.11 funds this Program with wagering tax revenues that are deposited in the General Fund and then appropriated to the Economic Development Authority.

1 25 ~~3. For the center for congenital and inherited~~
1 26 ~~disorders central registry under section 144.13A,~~
1 27 ~~subsection 4, paragraph "a":~~
1 28 \$ 85,560

Restores the General Fund appropriation to the Department of Public Health (DPH) for the Center for Congenital and Inherited Disorders Central Registry to the estimated statutory level of \$232,500.

DETAIL: This is an estimated increase of \$146,940 compared to the

amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents an increase of \$61,379 compared to estimated FY 2012.

1 29 ~~4. For primary and secondary child abuse prevention~~
1 30 ~~programs under section 144.13A, subsection 4, paragraph~~
1 31 ~~"a":~~
1 32 \$ 108,886

Restores the General Fund appropriation to the Department of Human Services (DHS) for Child Abuse Prevention Programs to the estimated statutory level of \$232,500.

DETAIL: This is an increase of \$123,614 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents an increase of \$14,728 compared to estimated FY 2012.

1 33 5. For programs for at-risk children under section
1 34 279.51:
1 35 \$ 5,364,446
1 36 10,728,891

Limits the General Fund appropriation to the Department of Education for Children At-Risk Programs to \$10,728,891. Requires the reduction to be prorated among the programs specified in statute that are to receive funding.

DETAIL: This is an increase of \$5,364,445 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated FY 2012.

1 37 The amount of any reduction in this subsection shall
1 38 be prorated among the programs specified in section
1 39 279.51, subsection 1, paragraphs "a", "b", and "c".

1 40 6. For payment for nonpublic school transportation
1 41 under section 285.2:
1 42 \$ 7,060,931
1 43 If total approved claims for reimbursement for
1 44 nonpublic school pupil transportation exceed the amount
1 45 appropriated in accordance with this subsection, the
1 46 department of education shall prorate the amount of
1 47 each approved claim.

This appropriation, for nonpublic school transportation, was limited to \$7,060,931 in SF 533 (Standing Appropriation Act) during the 2011 Legislative Session and is not being changed in this Bill.

DETAIL: Maintains the current level of funding.

1 48 7. For the enforcement of chapter 453D relating to
1 49 tobacco product manufacturers under section 453D.8:
1 50 \$ 9,208
2 1 18,416

Limits the General Fund appropriation to the Department of Revenue for tobacco reporting enforcement to \$18,416.

DETAIL: This is an increase of \$9,208 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. This amount matches the appropriation for FY 2012.

2 2 DIVISION II
2 3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

2 4 Sec. 2. FEDERAL CONSENT DECREE EXPENDITURES —
2 5 REPORTING.

Permits the Office of the Attorney General to spend moneys received pursuant to the Joint State Federal Mortgage Servicing Settlement

2 6 1. The office of the attorney general is authorized
 2 7 to make expenditures of moneys received pursuant to
 2 8 the joint state federal mortgage servicing settlement
 2 9 consent decree signed in federal court on April 5,
 2 10 2012. Expenditures shall be consistent with the terms
 2 11 of the consent decree.

2 12 2. The office of the attorney general shall
 2 13 submit a report to the general assembly detailing the
 2 14 expenditure of moneys for the previous calendar year
 2 15 and how the expenditures related to the implementation,
 2 16 monitoring, or enforcement of the settlement and how
 2 17 expenditures in the current and succeeding calendar
 2 18 year will be used for implementation, monitoring, or
 2 19 enforcement of the settlement. The initial report
 2 20 shall be submitted on or before January 15, 2013.

2 21 Sec. 3. DEPARTMENT OF PUBLIC HEALTH — IOWA YOUTH
 2 22 SUICIDE PREVENTION PROGRAM. There is appropriated
 2 23 from the general fund of the state to the department
 2 24 of public health for the fiscal year beginning July 1,
 2 25 2012, and ending June 30, 2013, the following amount,
 2 26 or so much thereof as is necessary, to be used for the
 2 27 purposes designated:

2 28 To contract for a program to develop an Iowa youth
 2 29 suicide prevention program:
 2 30 \$ 137,000

2 31 1. The department of public health shall issue
 2 32 a request for proposals to select the most qualified
 2 33 applicant that is experienced in working with the
 2 34 target population to develop and administer an Iowa
 2 35 youth suicide prevention program that employs a program
 2 36 coordinator and provides for all of the following:
 2 37 a. Administrative expenses, including but not
 2 38 limited to facilities, communications, and professional
 2 39 services and staff development.
 2 40 b. School, community, and health care training for
 2 41 specific groups identified as strategically placed to
 2 42 enhance protective factors.
 2 43 c. Resources and outreach, including but not
 2 44 limited to site visits and school climate surveys, to
 2 45 Iowa's high schools.
 2 46 d. An antibullying internet site; internet-based
 2 47 communications, including but not limited to texting
 2 48 capabilities; and a telephone hotline.
 2 49 e. Program evaluation criteria for evaluation of
 2 50 the performance of the program administered by the

Consent Decree. Requires the Office to submit a report to the General Assembly by January 15, 2013, regarding the expenditure of the settlement, and implementation, monitoring, and enforcement of the settlement.

DETAIL: Iowa's share of the settlement is approximately \$14,600,000. Of this amount, \$5,000,000 is directed to the State General Fund in FY 2012. A Mortgage Settlement Fund will be created for the deposit of \$8,700,000 to implement the settlement over a three-year period and \$1,000,000 will be deposited in the Elderly Victims Fraud Fund to investigate and prosecute fraud against the elderly.

General Fund appropriation to the Department of Public Health (DPS) to contract the development of an Iowa youth suicide prevention program.

DETAIL: This is a new appropriation for FY 2013. The Department is to select a qualified applicant by issuing a request for proposals (RFP). The RFP specifications are to be based on a suicide prevention plan developed during FY 2012. A progress report and recommendations for program continuation and necessary support is to be submitted to the General Assembly by January 13, 2013. Proposals are to articulate activities and costs for the following:

- A program coordinator.
- Administrative expenses.
- School, community, and health care training for specific groups.
- Resources and outreach, including high school site visits and climate surveys.
- Antibullying internet site, including limited texting capabilities and a telephone hotline.
- Program evaluation criteria.

3 1 applicant selected.
 3 2 2. The department shall establish a request
 3 3 for proposals process which shall be based upon
 3 4 specifications established under a suicide prevention
 3 5 plan for youth who are targets of bullying, which was
 3 6 developed in partnership with the department during the
 3 7 2011-2012 fiscal year.
 3 8 3. The department shall submit to the general
 3 9 assembly a progress report on or before January 15,
 3 10 2013, providing a detailed analysis of the program, its
 3 11 budgetary requirements, and the department's findings
 3 12 and recommendations for continuation of the program.

3 13 Sec. 4. HOMESTEAD CREDIT FUND — APPROPRIATION.

3 14 1. There is appropriated from the taxpayers trust
 3 15 fund created in section 8.57E to the department of
 3 16 revenue for the fiscal year beginning July 1, 2012, and
 3 17 ending June 30, 2013, the following amount, or so much
 3 18 thereof as is necessary, to be used for the purposes
 3 19 designated:

3 20 For deposit in the homestead credit fund created in
 3 21 section 425.1:
 3 22 \$ 48,811,613

3 23 2. The appropriation made in this section is in
 3 24 lieu of an equal amount of the appropriation made
 3 25 from the general fund of the state for the fiscal
 3 26 year beginning July 1, 2012, and ending June 30,
 3 27 2013, pursuant to section 425.1, and shall be used for
 3 28 reimbursement for the homestead property tax.

3 29 Sec. 5. AGRICULTURAL LAND CREDIT FUND —
 3 30 APPROPRIATION.

3 31 1. There is appropriated from the taxpayers trust
 3 32 fund created in section 8.57E to the department of
 3 33 revenue for the fiscal year beginning July 1, 2012, and
 3 34 ending June 30, 2013, the following amount, or so much
 3 35 thereof as is necessary, to be used for the purposes
 3 36 designated:

3 37 For deposit in the agricultural land credit fund
 3 38 created in section 426.1:
 3 39 \$ 6,704,869

3 40 2. The appropriation made in this section is in
 3 41 lieu of an equal amount of the appropriation made
 3 42 from the general fund of the state for the fiscal
 3 43 year beginning July 1, 2012, and ending June 30,
 3 44 2013, pursuant to section 426.1, and shall be used for

Taxpayers Trust Fund appropriation to the Homestead Credit Fund in lieu of an equal appropriation from the General Fund.

DETAIL: The projected need for the Homestead Property Tax Credit is estimated to be \$135,000,000 for FY 2013. This Section reduces the General Fund standing appropriation to an estimated \$86,188,387 for FY 2013. Between the two funding sources, the Homestead Property Tax Credit will be fully funded in FY 2013.

Taxpayers Trust Fund appropriation to the Agricultural Land Credit Fund in lieu of an equal appropriation from the General Fund.

DETAIL: A General Fund standing appropriation of \$39,100,000 is established in the Iowa Code for the Agricultural Land Credit Fund. This Section reduces the General Fund appropriation to an estimated \$32,395,131 for FY 2013. Between the two funding sources, the Agricultural Land Tax Credit will be fully funded in FY 2013.

3 45 reimbursement for the family farm and agricultural land
3 46 tax credits under sections 425A.1 and 426.1.

3 47 Sec. 6. PLUMBERS — LICENSE EXTENSIONS. Until
3 48 January 1, 2013, the plumbing and mechanical systems
3 49 board shall grant a one-time renewal of an expired
3 50 license if the person holding the expired license
4 1 demonstrates successful passage of a municipal or block
4 2 examination. For any licensee receiving a renewal
4 3 under this section, the board shall clearly state in
4 4 any correspondence for succeeding license renewals that
4 5 the provisions of Code section 105.20 shall apply.

4 6 Sec. 7. KEEP IOWA BEAUTIFUL FUND —
4 7 APPROPRIATION. There is appropriated from the general
4 8 fund of the state to the department of transportation
4 9 each fiscal year for the fiscal years beginning July
4 10 1, 2012, July 1, 2013, and July 1, 2014, an amount
4 11 equal to the excess revenues transferred from the
4 12 lottery fund to the general fund after the first
4 13 \$64,900,000 is transferred during a fiscal year. The
4 14 amount appropriated in a fiscal year shall not exceed
4 15 \$1,000,000. Moneys appropriated pursuant to this
4 16 section shall be deposited in the keep Iowa beautiful
4 17 fund created in section 314.28.

4 18 Sec. 8. 2007 Iowa Acts, chapter 219, section 2,
4 19 subsection 2, paragraph a, as enacted by 2011 Iowa
4 20 Acts, chapter 133, section 32, is amended to read as
4 21 follows:
4 22 a. Notwithstanding section 8.33, moneys
4 23 appropriated in section 1, subsection 1, paragraphs
4 24 "a" and "f" of this division of this Act that remain
4 25 unencumbered or unobligated at the close of the fiscal
4 26 year for which they were appropriated shall not revert
4 27 but shall remain available for the purposes designated
4 28 until the close of the fiscal year that begins July
4 29 1, ~~2011~~ 2012, or until the project for which the
4 30 appropriation was made is completed, whichever is
4 31 earlier.

Requires the Plumbing and Mechanical Systems Board to grant a one-time renewal of an expired license on the condition that the person with the expired license pass a required examination. Requires that the one-time license renewal can only be granted until January 1, 2013.

Appropriates up to \$1,000,000 from the General Fund to the Department of Transportation for three fiscal years beginning in FY 2013 for the Keep Iowa Beautiful Fund. The actual appropriation will be equal to the excess lottery proceeds after the first \$64,900,000 is transferred to the General Fund. The total amount of the appropriation cannot exceed \$1,000,000.

DETAIL: It is currently estimated that \$74,000,000 in lottery proceeds will be transferred to the General Fund in FY 2013.

CODE: Extends the reversion of the FY 2008 Rebuild Iowa Infrastructure Fund (RIIF) appropriations to the Department of Administrative Services (DAS) for costs associated with leases and relocation of State agencies located off the Capitol Complex and with the restoration and development of the West Capitol Terrace through the end of FY 2013.

DETAIL: The DAS received appropriations of \$1,824,500 for leases and relocation and \$1,600,000 for Phase II of the restoration and development of the West Capitol Terrace. The relocation and tenant improvement work, including work at the Iowa and Wallace Buildings, has been delayed while the DAS evaluates use of downtown space, and the Iowa and Wallace Buildings. Pending direction from the Governor and the General Assembly on the potential demolition of the Iowa Building and remodeling of the Wallace Building, DAS will complete the use of these funds. Additional work on the West Capitol Terrace project was delayed until the DAS received further direction on the demolition or sale of 707/709 E. Locust Street (Rowhouse and Community College Trustees buildings). The Rowhouse is being sold and will be moved to the East Village. The Community College

| | |
|--|--|
| <p>4 32 Sec. 9. 2010 Iowa Acts, chapter 1193, section 29, 4 33 subsection 2, as enacted by 2011 Iowa Acts, chapter 4 34 127, section 54, is amended to read as follows: 4 35 2. Notwithstanding section 8.33, moneys 4 36 appropriated in this section that remain unencumbered 4 37 or unobligated at the close of the fiscal year ending 4 38 June 30, 2011, shall not revert but shall remain 4 39 available for expenditure for the purposes designated 4 40 until the close of the fiscal year ending June 30, 2012 4 41 <u>2013</u>.</p> <p>4 42 Sec. 10. 2011 Iowa Acts, chapter 127, section 72, 4 43 subsection 4, paragraph b, unnumbered paragraph 1, as 4 44 amended by 2012 Iowa Acts, Senate File 2313, section 4 45 13, if enacted, is amended to read as follows: 4 46 The department shall, in coordination with the health 4 47 facilities division, make the following information 4 48 available to the public <u>by December 31, 2012</u>, as part 4 49 of the department's development efforts to revise the 4 50 department's internet website:</p> <p>5 1 Sec. 11. 2012 Iowa Acts, House File 675, section 5 2 28, subsection 2, is amended to read as follows: 5 3 2. The notice provisions contained in this Act 5 4 <u>relating to residential construction</u> apply only 5 5 to material furnished or labor performed after the 5 6 effective date of this Act.</p> <p>5 7 Sec. 12. 2012 Iowa Acts, Senate File 2289, as 5 8 enacted, is amended by adding the following new 5 9 section: 5 10 Sec. 13. EFFECTIVE UPON ENACTMENT. This Act, being 5 11 deemed of immediate importance, takes effect upon 5 12 enactment.</p> <p>5 13 Sec. 14. Section 16.27, subsections 4 and 5, Code 5 14 2011, are amended by striking the subsections.</p> | <p>Trustees building will be demolished. Once action on the properties is completed in 2012, the Phase II work for the West Capitol Terrace will continue. The two DAS appropriations received an extension on reversions in the 2011 Legislative Session.</p> <p>CODE: Extends the carry forward of the \$2,300,000 FY 2011 General Fund appropriation to the DAS for implementing the government information technology services provisions in SF 2088 (Government Reorganization and Efficiency Act) to the end of FY 2013.</p> <p>DETAIL: This is the second year for the carry forward. The amount carried forward into FY 2012 is \$1,455,251. Through March 2012, \$226,840 has been expended. It is projected that \$1,153,000 will carry forward to FY 2013.</p> <p>CODE: Adds a specific date of December 31, 2012, for the Department of Inspections and Appeals (DIA) to provide information related to health facilities inspections available to the public on their website.</p> <p>DETAIL: The original language allowed the DIA until the end of FY 2013, so this change moves up the deadline by six months.</p> <p>CODE: Technical clarification concerning mechanics' liens to conform the Iowa Code to the current practice.</p> <p>Adds effective on enactment language to SF 2289 (Disaster Case Management Act) making the provisions retroactive to April 12, 2012.</p> <p>DETAIL: This change will allow the changes made in SF 2289 to the Disaster and Individual Assistance Grant Program to cover tornado damage that occurred on April 14, 2012.</p> <p>Eliminates certain bond reserve fund reporting requirements and certain repayment requirements of the Iowa Finance Authority (IFA).</p> <p>FICAL IMPACT: No fiscal impact</p> |
|--|--|

5 15 Sec. 15. Section 16.27, subsection 6, Code 2011, is
 5 16 amended to read as follows:
 5 17 6. The authority shall cause to be delivered to
 5 18 the legislative fiscal committee within ninety days
 5 19 of the close of its fiscal year its annual report
 5 20 certified by an independent certified public accountant
 5 21 (who may be the accountant or a member of the firm of
 5 22 accountants who regularly audits the books and accounts
 5 23 of the authority) selected by the authority. ~~In the
 5 24 event that the principal amount of any bonds or notes
 5 25 deposited in a bond reserve fund is withdrawn for
 5 26 payment of principal or interest thereby reducing the
 5 27 amount of that fund to less than the bond reserve fund
 5 28 requirement, the authority shall immediately notify the
 5 29 general assembly of this event and shall thereafter
 5 30 take steps to restore such bond reserve to the bond
 5 31 reserve fund requirement for that fund from any amounts
 5 32 available, other than principal of a bond issue, which
 5 33 are not pledged to the payment of other bonds or notes.~~

5 34 Sec. 16. NEW SECTION 17A.6A RULEMAKING INTERNET
 5 35 SITE.

5 36 1. Subject to the direction of the administrative
 5 37 rules coordinator, each agency shall make available to
 5 38 the public a uniform, searchable, and user-friendly
 5 39 rules database, published on an internet site.
 5 40 2. An agency's rulemaking internet site shall also
 5 41 make available to the public all of the following:
 5 42 a. A brief summary of the rulemaking process,
 5 43 including a description of any opportunity for public
 5 44 participation in the process.
 5 45 b. Process forms for filing comments or complaints
 5 46 concerning proposed or adopted rules.
 5 47 c. Process forms and instructions for filing a
 5 48 petition for rulemaking, a petition for a declaratory
 5 49 order, or a request for a waiver of an administrative
 5 50 rule.
 6 1 d. Any other material prescribed by the
 6 2 administrative rules coordinator.
 6 3 3. To the extent practicable, the administrative
 6 4 rules coordinator shall create a uniform format for
 6 5 rulemaking internet sites.

6 6 Sec. 17. Section 17A.7, subsection 2, Code 2011,
 6 7 is amended by striking the subsection and inserting in
 6 8 lieu thereof the following:

CODE: Removes the "Moral Obligation" provision from the Iowa Code section pertaining to debt service requirements on IFA bonds.

CODE: Directs each agency to make available to the public a uniform, searchable, and user-friendly internet-based administrative rules database. The Administrative Rules Coordinator is directed to create a uniform format for the administrative rules internet sites. The internet sites must also include:

- Brief summary of the rulemaking process and opportunities for public input.
- Comment or complaint forms.
- Forms and instructions for filing a petition for rulemaking, petition for a declaratory order, and a request of a waiver of an administrative rule.
- Other materials prescribed by the Administrative Rules Coordinator.

FISCAL IMPACT: Minimal impact to the General Fund. Most agencies currently have sections of their websites dedicated to the administrative rules process. Agencies may need to update, improve, or consolidate sections of their website to conform to the uniform format created by the Administrative Rules Coordinator.

CODE: Removes Iowa Code language pertaining to requests for a formal review of agencies' administrative rules and inserts language requiring a complete, formal review of agencies' administrative rules

6 9 2. Beginning July 1, 2012, over each five-year
 6 10 period of time, an agency shall conduct an ongoing
 6 11 and comprehensive review of all of the agency's
 6 12 rules. The goal of the review is the identification
 6 13 and elimination of all rules of the agency that are
 6 14 outdated, redundant, or inconsistent or incompatible
 6 15 with statute or its own rules or those of other
 6 16 agencies. An agency shall commence its review by
 6 17 developing a plan of review in consultation with major
 6 18 stakeholders and constituent groups. When the agency
 6 19 completes its five-year review of its rules, the
 6 20 agency shall provide a summary of the results to the
 6 21 administrative rules coordinator and the administrative
 6 22 rules review committee.

6 23 Sec. 18. Section 17A.8, subsection 4, Code 2011, is
 6 24 amended to read as follows:
 6 25 4. a. ~~The committee shall choose a chairperson~~
 6 26 ~~from its membership and~~ prescribe its rules of
 6 27 procedure. The committee may employ a secretary or may
 6 28 appoint the administrative code editor or a designee
 6 29 to act as secretary.
 6 30 b. ~~The chairperson of the committee shall be~~
 6 31 ~~chosen as provided in this paragraph. For the term~~
 6 32 ~~commencing with the convening of the first regular~~
 6 33 ~~session of each general assembly and ending upon~~
 6 34 ~~the convening of the second regular session of that~~
 6 35 ~~general assembly, the chairperson shall be chosen by~~
 6 36 ~~the committee from its members who are members of the~~
 6 37 ~~house of representatives. For the term commencing with~~
 6 38 ~~the convening of the second regular session of each~~
 6 39 ~~general assembly and ending upon the convening of the~~
 6 40 ~~first regular session of the next general assembly.~~
 6 41 ~~the chairperson shall be chosen by the committee from~~
 6 42 ~~its members who are members of the senate. A vacancy~~
 6 43 ~~shall be filled in the same manner as the original~~
 6 44 ~~appointment and shall be for the remainder of the~~
 6 45 ~~unexpired term of the vacancy.~~

6 46 Sec. 19. Section 97A.6, subsection 7, paragraph
 6 47 a, subparagraph (1), Code 2011, is amended to read as
 6 48 follows:
 6 49 (1) Should any beneficiary for either ordinary
 6 50 or accidental disability, except a beneficiary
 7 1 who is fifty-five years of age or over and would
 7 2 have completed twenty-two years of service if the

every five years. A plan of review is to be created with input from major stakeholders and constituent groups. At the conclusion of a five-year review, a summary report is to be provided to the Administrative Rules Coordinator and Administrative Rules Review Committee.

FISCAL IMPACT: Minimal fiscal impact to the General Fund. Most agencies currently review administrative rules on an ongoing basis and could meet the five-year review process with little or no additional resources.

CODE: Amends the process for selecting the Administrative Rules Review Committee Chairperson. The Chairperson during the first regular session of each General Assembly is to be chosen by the members from the House of Representatives. The Chairperson during the second regular session of each General Assembly is to be chosen by the members from the Senate. Vacancies are to be filled in the same manner.

Increases the limit on earnable compensation, as it relates to the Peace Officers Retirement System (PORS), from one and one-half times the earnable compensation of an active member of the same rank and position on the salary scale to two and one-half times.

DETAIL: Net retirement allowance is the amount determined by subtracting the amount paid during the previous calendar year by the

7 3 beneficiary had remained in active service, be engaged
7 4 in a gainful occupation paying more than the difference
7 5 between the member's net retirement allowance and
7 6 ~~one two~~ and one-half times the current earnable
7 7 compensation of an active member at the same position
7 8 on the salary scale within the member's rank as the
7 9 member held at retirement, then the amount of the
7 10 retirement allowance shall be reduced to an amount
7 11 such that the member's net retirement allowance plus
7 12 the amount earned by the member shall equal ~~one two~~
7 13 and one-half times the amount of the current earnable
7 14 compensation of an active member at the same position
7 15 on the salary scale within the member's rank as the
7 16 member held at retirement. Should the member's earning
7 17 capacity be later changed, the amount of the retirement
7 18 allowance may be further modified, provided that the
7 19 new retirement allowance shall not exceed the amount of
7 20 the retirement allowance originally granted adjusted by
7 21 annual readjustments of pensions pursuant to subsection
7 22 14 of this section nor an amount which would cause the
7 23 member's net retirement allowance, when added to the
7 24 amount earned by the beneficiary, to equal ~~one two~~
7 25 and one-half times the amount of the current earnable
7 26 compensation of an active member at the same position
7 27 on the salary scale within the member's rank as the
7 28 member held at retirement. A beneficiary restored
7 29 to active service at a salary less than the average
7 30 final compensation upon the basis of which the member
7 31 was retired at age fifty-five or greater, shall not
7 32 again become a member of the retirement system and
7 33 shall have the member's retirement allowance suspended
7 34 while in active service. If the rank or position
7 35 held by the retired member is subsequently abolished,
7 36 adjustments to the allowable limit on the amount of
7 37 income which can be earned in a gainful occupation
7 38 shall be computed in the same manner as provided in
7 39 subsection 14, paragraph "c", of this section for
7 40 readjustment of pensions when a rank or position has
7 41 been abolished. If the salary scale associated with a
7 42 member's rank at retirement is changed after the member
7 43 retires, earnable compensation for purposes of this
7 44 section shall be based upon the salary an active member
7 45 currently would receive at the same rank and with
7 46 seniority equal to that of the retired member at the
7 47 time of retirement. For purposes of this paragraph,
7 48 "net retirement allowance" means the amount determined

member for health insurance or similar health care coverage for the member and the member's dependents from the pension benefit received from the PORS for the same year. Earnable compensation is what a member will earn on the basis of the stated compensation for the member's rank including longevity and the daily meal allowance. If a member of the PORS retired for either ordinary or accidental disability, is under the age of 55, is engaged in a gainful occupation, and earns more than the difference between the member's net retirement allowance and one and one-half times the earnable compensation of an active member of the same rank and position on the salary scale, then the retirement allowance will be reduced. This is being increased from one and one-half times the earnable compensation to two and one-half times.

FISCAL IMPACT: The fiscal impact of this Section is anticipated to be minimal; however, the actuary of the PORS will determine if the System can absorb the increase.

7 49 by subtracting the amount paid during the previous
 7 50 calendar year by the beneficiary for health insurance
 8 1 or similar health care coverage for the beneficiary
 8 2 and the beneficiary's dependents from the amount of
 8 3 the member's retirement allowance paid for that year
 8 4 pursuant to this chapter. The beneficiary shall submit
 8 5 sufficient documentation to the board of trustees
 8 6 to permit the system to determine the member's net
 8 7 retirement allowance for the applicable year.

8 8 Sec. 20. Section 97B.52A, subsection 1, paragraph
 8 9 c, subparagraph (2), subparagraph division (b), Code
 8 10 2011, is amended to read as follows:

8 11 (b) For a member whose first month of entitlement
 8 12 is July 2004 or later, but before July ~~2012~~ 2014,
 8 13 covered employment does not include employment as a
 8 14 licensed health care professional by a public hospital
 8 15 as defined in section 249J.3, with the exception of
 8 16 public hospitals governed pursuant to chapter 226.

8 17 Sec. 21. Section 123.49, subsection 2, paragraph d,
 8 18 Code Supplement 2011, is amended to read as follows:

8 19 d. (1) Keep on premises covered by a liquor
 8 20 control license any alcoholic liquor in any container
 8 21 except the original package purchased from the
 8 22 division, and except mixed drinks or cocktails mixed on
 8 23 the premises for immediate consumption on the licensed
 8 24 premises or as otherwise provided by this paragraph
 8 25 "d". This prohibition does not apply to common
 8 26 carriers holding a class "D" liquor control license.
 8 27 (2) Mixed drinks or cocktails mixed on the premises
 8 28 that are not for immediate consumption may be consumed
 8 29 on the licensed premises subject to the requirements
 8 30 of this subparagraph pursuant to rules adopted by the
 8 31 division. The rules shall provide that the mixed
 8 32 drinks or cocktails be stored, for no longer than
 8 33 seventy-two hours, in a labeled container in a quantity
 8 34 that does not exceed three gallons. The rules shall
 8 35 also provide that added flavors and other nonbeverage
 8 36 ingredients included in the mixed drinks or cocktails
 8 37 shall not include hallucinogenic substances or added
 8 38 caffeine or other added stimulants including but not
 8 39 limited to guarana, ginseng, and taurine. In addition,
 8 40 the rules shall require that the licensee keep records
 8 41 as to when the contents in a particular container were
 8 42 mixed and the recipe used for that mixture.

CODE: Extends the bona fide retirement exception under the Iowa Public Employees Retirement System (IPERS) for licensed health care professionals for two years.

DETAIL: Current law allows licensed health care professionals to retire with IPERS benefits and return to work in one month. The exception sunsets June 30, 2012. This legislation extends the exception for two years.

CODE: Permits bars and restaurants with a liquor license to create "infused spirits," which are currently prohibited. This is a process of mixing liquors and various flavorings and ingredients to create new cocktails and drinks and aging the mixture for up to 72 hours. The volumes that may be mixed, labeling, and recordkeeping are to be specified in administrative rules.

DETAIL: This language was formerly SF 2277 (Infused Spirits) and does not have a significant fiscal impact.

8 43 Sec. 22. Section 256C.4, subsection 1, Code 2011,
 8 44 is amended by adding the following new paragraphs:
 8 45 NEW PARAGRAPH g. For the fiscal year beginning
 8 46 July 1, 2011, and each succeeding fiscal year, of the
 8 47 amount of preschool foundation aid received by a school
 8 48 district for a fiscal year in accordance with section
 8 49 257.16, not more than five percent may be used by
 8 50 the school district for administering the district's

9 1 approved local program.
 9 2 NEW PARAGRAPH h. For the fiscal year beginning
 9 3 July 1, 2012, and each succeeding fiscal year, of
 9 4 the amount of preschool foundation aid received by a
 9 5 school district for a fiscal year in accordance with
 9 6 section 257.16, not less than ninety-five percent
 9 7 of the per pupil amount shall be passed through to
 9 8 a community-based provider for each pupil enrolled
 9 9 in the district's approved local program. For the
 9 10 fiscal year beginning July 1, 2011, and each succeeding
 9 11 fiscal year, not more than five percent of the
 9 12 amount of preschool foundation aid passed through
 9 13 to a community-based provider may be used by the
 9 14 community-based provider for administrative costs.

9 15 Sec. 23. NEW SECTION 256G.5 CONTINUED OPERATION
 9 16 AND MAINTENANCE.

9 17 The board of regents and the university of northern
 9 18 iowa shall operate, maintain, staff, and fund the
 9 19 research and development school known as the Malcolm
 9 20 Price laboratory school located on the campus of the
 9 21 university of northern iowa in accordance with this
 9 22 chapter through July 1, 2013, unless otherwise extended
 9 23 by statute.

9 24 Sec. 24. Section 257.35, subsection 7, Code
 9 25 Supplement 2011, is amended to read as follows:
 9 26 7. Notwithstanding subsection 1, and in addition
 9 27 to the reduction applicable pursuant to subsection
 9 28 2, the state aid for area education agencies and the
 9 29 portion of the combined district cost calculated for
 9 30 these agencies for the fiscal year beginning July 1,
 9 31 2012, and ending June 30, 2013, shall be reduced by
 9 32 the department of management by ~~ten~~ fifteen million
 9 33 dollars. The reduction for each area education agency
 9 34 shall be prorated based on the reduction that the
 9 35 agency received in the fiscal year beginning July 1,
 9 36 2003.

CODE: Beginning in FY 2012, up to 5.00% of preschool foundation aid received by a school district may be used for administering the Program. Beginning in FY 2013, at least 95.00% of the preschool formula foundation aid is to be paid to the community-based provider for the approved local program. Additionally, beginning in FY 2012, not more than 5.00% of the funding paid to the community-based provider may be used for provider administrative costs.

Based on estimated FY 2013 preschool formula aid total of \$59,700,000:

- Approximately \$3,000,000 may be used by school districts for the costs of administration.
- Approximately \$56,700,000 will be used for program funding by the school district or paid to the community-based provider.
- The amount allowed for the community-based provider administrative costs will not exceed \$2,800,000 in FY 2013.

FISCAL IMPACT: There is no fiscal impact as a result of this Section. Preschool formula aid funding and allocation amounts to school districts will not change.

Requires the Board of Regents and the University of Northern Iowa (UNI) to operate, maintain, staff, and fund the Malcolm Price Laboratory School through FY 2013.

FISCAL IMPACT: In planning to close the Price Laboratory School at the end of FY 2012, the UNI estimated a cost savings of \$2,000,000 for FY 2013. This provision will eliminate that cost savings for UNI's general operating fund. Section 88 of this amendment appropriates \$3,000,000 for the operation of the school in FY 2013.

CODE: Reduces the FY 2013 State aid funding to area education agencies (AEAs) by an additional \$5,000,000 (from \$10,000,000 to \$15,000,000).

DETAIL: In addition to the \$15,000,000 State aid reduction for FY 2013, the AEAs have an annual statutory reduction of \$7,500,000. The State aid reduction to AEAs will total \$22,500,000 and will result in \$500,000 less than the FY 2012 total State aid reduction amount.

FISCAL IMPACT: The fiscal impact of the State aid reduction to AEAs will reduce General Fund expenditures by an additional \$5,000,000 in FY 2013 compared to funding previously enacted for FY 2013.

9 37 Sec. 25. Section 261.93, Code 2011, is amended to
9 38 read as follows:
9 39 261.93 PROGRAM ESTABLISHED — WHO QUALIFIED.
9 40 1. An Iowa grant program is established.
9 41 2. a. A grant may be awarded to a resident of
9 42 Iowa who is admitted and in attendance as a full-time
9 43 or part-time resident student at an accredited higher
9 44 education institution and who establishes financial
9 45 need.
9 46 b. Top priority in awarding program grants shall
9 47 be given to a qualified student who is a resident of
9 48 Iowa; is under the age of twenty-six, or the age of
9 49 thirty if the student is a veteran who is eligible for
9 50 benefits, or has exhausted the benefits, under the
10 1 federal Post-9/11 Veterans Educational Assistance Act
10 2 of 2008; is not a convicted felon as defined in section
10 3 910.15; and who meets any of the following criteria:
10 4 (1) Is the child of a peace officer, as defined
10 5 in section 97A.1, who is totally and permanently
10 6 disabled and who receives benefits under section
10 7 97A.6, subsection 5, or was killed in the line of duty
10 8 as determined by the board of trustees of the Iowa
10 9 department of public safety peace officers' retirement,
10 10 accident, and disability system in accordance with
10 11 section 97A.6, subsection 16.
10 12 (2) Is the child of a police officer or a fire
10 13 fighter, as defined in section 411.1, who is totally
10 14 and permanently disabled and who receives benefits
10 15 under section 411.6, subsection 5, or was killed in the
10 16 line of duty as determined by the statewide fire and
10 17 police retirement system in accordance with section
10 18 411.6, subsection 15.
10 19 (3) Is the child of a sheriff or deputy sheriff
10 20 as defined in section 97B.49C, who is totally and
10 21 permanently disabled and who receives an in-service
10 22 disability retirement allowance under section 97B.50A,
10 23 subsection 2, or was killed in the line of duty as
10 24 determined by the Iowa public employees' retirement
10 25 system in accordance with section 97B.52, subsection 2.
10 26 3. Grants awarded shall be distributed to the
10 27 appropriate accredited higher education institution for
10 28 payment of educational expenses, including tuition,
10 29 room, board, and mandatory fees, with any balance to
10 30 be distributed to the student for whom the grant is
10 31 awarded.

Requires the top priority in awarding Iowa Grants to be given to qualified children of peace officers, police officers, firefighters, sheriffs, or deputies that have been totally and permanently disabled or killed in the line of duty.

FISCAL IMPACT: Based on FY 2012 tuition rates, the cost per qualifying student will range from \$3,072 at the least expensive community college to \$6,436 at the University of Iowa. The number of qualifying students in FY 2013 is estimated to be between three and five. The fiscal impact of this provision in FY 2013 is estimated to range from \$9,216 to \$32,180.

10 32 Sec. 26. Section 261.93A, Code 2011, is amended to
10 33 read as follows:

10 34 261.93A APPROPRIATION — PERCENTAGES.

10 35 1. Of the funds appropriated to the college student
10 36 aid commission to be allocated for the Iowa grant
10 37 program for each fiscal year, ~~thirty-seven moneys shall~~
10 38 be distributed for grants awarded to qualified students
10 39 who meet the criteria established pursuant to section
10 40 261.93, subsection 2, and the funds remaining shall be
10 41 distributed as follows:

10 42 a. ~~Thirty-seven~~and six-tenths percent shall be
10 43 reserved for students attending regents institutions;
10 44 ~~twenty-five.~~

10 45 b. ~~Twenty-five~~and nine-tenths percent shall be
10 46 reserved for students attending community colleges, ~~and~~
10 47 ~~thirty-six.~~

10 48 c. ~~Thirty-six~~and five-tenths percent shall be
10 49 reserved for students attending private colleges and
10 50 universities.

11 1 2. Funds appropriated for the Iowa grant program
11 2 shall be used to supplement, not supplant, funds
11 3 appropriated for other existing programs at the
11 4 eligible institutions.

11 5 Sec. 27. Section 261.95, subsection 1, Code 2011,
11 6 is amended to read as follows:

11 7 1. The amount of a grant to a qualified full-time
11 8 student for an academic year shall be ~~the~~ as follows:

11 9 a. For a student who qualifies under section
11 10 261.93, subsection 2, paragraph "a", the lesser of the
11 11 student's financial need for that period or up to one
11 12 thousand dollars.

11 13 b. For a student who qualifies under section
11 14 261.93, subsection 2, paragraph "b", the lesser of
11 15 the student's financial need for that period or not
11 16 more than the resident tuition rate established for
11 17 institutions of higher learning under the control of
11 18 the state board of regents.

11 19 Sec. 28. Section 321.20B, subsection 6, Code 2011,
11 20 is amended to read as follows:

11 21 6. This section does not apply to a ~~snowmobile or~~
11 22 ~~all-terrain vehicle or to a~~ motor vehicle identified in
11 23 section 321.18, ~~subsections 1 through 6, and~~ subsection
11 24 1, 2, 3, 4, 5, 6, or 8.

11 25 Sec. 29. NEW SECTION 327F.21 RAILROAD WORKER

CODE: Requires Iowa Grant funds to first be awarded to qualified children of peace officers, police officers, firefighters, sheriffs, or deputies that have been totally and permanently disabled or killed in the line of duty, before the remaining funds are allocated to Regents universities, community colleges, and private colleges and universities.

CODE: Requires individuals that own snowmobiles and all-terrain vehicles to maintain proof of financial responsibility and liability.

CODE: Requires the Department of Transportation (DOT) to adopt

| | |
|--|--|
| <p>11 26 WALKWAYS. 11 27 The state department of transportation shall adopt 11 28 rules requiring the provision of safe walkways for 11 29 railroad workers in areas where work is regularly 11 30 performed on the ground.</p> <p>11 31 Sec. 30. Section 403.19, subsection 2, paragraph b, 11 32 subparagraph (2), subparagraph division (a), if enacted 11 33 by 2012 Iowa Acts, House File 2460, is amended to read 11 34 as follows: 11 35 (a) All or a portion of the taxes for the 11 36 instructional support program levy of a school 11 37 district shall be paid by the school district to the 11 38 municipality if the auditor, pursuant to subsection 11, 11 39 certifies to the school district by July 1 the amount 11 40 of such levy that is necessary to pay the principal and 11 41 interest on bonds issued or other indebtedness incurred 11 42 by the municipality to finance an urban renewal project 11 43 if such bonds or indebtedness were issued or incurred 11 44 on or before April 24, 2012. <u>Indebtedness incurred</u> 11 45 <u>after April 24, 2012, to refund bonds issued or other</u> 11 46 <u>indebtedness incurred on or before April 24, 2012, may</u> 11 47 <u>be included in the certification.</u> Such school district 11 48 shall pay over the amount certified by November 1 and 11 49 May 1 of the fiscal year following certification to the 11 50 school district. <u>The authority of a municipality to</u> 12 1 <u>pay the amounts of principal and interest on such bonds</u> 12 2 <u>issued or other indebtedness incurred on or before</u> 12 3 <u>April 24, 2012, from sources other than the portion of</u> 12 4 <u>taxes described in subsection 2, paragraph "a", shall</u> 12 5 <u>not exclude such amounts of principal and interest from</u> 12 6 <u>being deemed necessary for payment from the portion of</u> 12 7 <u>taxes described in subsection 2, paragraph "a".</u></p> <p>12 8 Sec. 31. Section 418.4, subsection 3, paragraph b, 12 9 as enacted by 2012 Iowa Acts, Senate File 2217, section 12 10 5, is amended to read as follows: 12 11 b. For projects proposing to use sales tax 12 12 increment revenues or approved by the board to use 12 13 sales tax increment revenues, the project, or an 12 14 earlier phase of the project, has been approved to 12 15 receive financial assistance in an amount equal to 12 16 at least twenty percent of the total project cost or 12 17 thirty million dollars, whichever is less, under a 12 18 <u>financial assistance program administered by the United</u> 12 19 <u>States environmental protection agency,</u> the federal</p> | <p>rules providing for safe walkways for railroad workers in areas where work is regularly performed. A violation of rules concerning walkways is subject to a penalty of \$100 per violation.</p> <p>CODE: Specifies that indebtedness incurred on bonds issued prior to April 24, 2012, and any refundings of those bonds, are to be included in the school district payment of instructional support levy funds to municipalities for urban renewal projects. Additionally, specifies that the authority of a municipality to pay principal and interest on the debt from sources other than the instructional support levy funds does not exclude the debt from being deemed necessary for purposes of the certified amount that the school districts must pay from the instructional support levy funds.</p> <p>DETAIL: This language is contingent on enactment of HF 2460 (Tax Increment Financing Act).</p> <p>CODE: Requires projects that receive funding from the Sales Tax Increment Fund as outlined in SF 2217 (FY 2013 Flood Mitigation Act) to receive at least 20.00% of the total project cost from a federal financial assistance program administered by the federal Environmental Protection Agency, the federal Water Resources Development Act, the federal Clean Water Act, or another federal program that provides funding specifically for hazard mitigation.</p> |
|--|--|

12 20 Water Resources Development Act, the federal Clean
 12 21 Water Act as defined in section 455B.291, or other
 12 22 federal program providing assistance specifically for
 12 23 hazard mitigation.

12 24 Sec. 32. Section 422.11D, subsection 2, Code 2011,
 12 25 is amended to read as follows:

12 26 2. An individual may claim a historic preservation
 12 27 and cultural and entertainment district tax credit
 12 28 allowed a partnership, limited liability company, S
 12 29 corporation, estate, or trust electing to have the
 12 30 income taxed directly to the individual. The amount
 12 31 claimed by the individual shall be based upon the
 12 32 pro rata share of the individual's earnings of a
 12 33 partnership, limited liability company, S corporation,
 12 34 estate, or trust except when low-income housing tax
 12 35 credits authorized under section 42 of the Internal
 12 36 Revenue Code are used to assist in the financing
 12 37 of the housing development in which case the amount
 12 38 claimed by a partner if the business is a partnership,
 12 39 a shareholder if the business is an S corporation,
 12 40 or a member if the business is a limited liability
 12 41 company shall be based on the amounts designated by
 12 42 the eligible partnership, S corporation, or limited
 12 43 liability company. For tax credits reserved for a
 12 44 fiscal year beginning on or after July 1, 2012, the
 12 45 amount claimed by a partner if the business is a
 12 46 partnership, a shareholder if the business is an S
 12 47 corporation, or a member if the business is a limited
 12 48 liability company shall be based on the amounts
 12 49 designated by the eligible partnership, S corporation,
 12 50 or limited liability company.

13 1 Sec. 33. Section 507.14, subsection 4, Code 2011,
 13 2 is amended to read as follows:

13 3 4. Confidential documents, materials, information,
 13 4 administrative or judicial orders, or other actions may
 13 5 be disclosed to a regulatory official of any state,
 13 6 federal agency, or foreign country provided that the
 13 7 recipients are required, under their law, to maintain
 13 8 their confidentiality. Confidential records may be
 13 9 disclosed to the national association of insurance
 13 10 commissioners, the international association of
 13 11 insurance supervisors, and the bank for international
 13 12 settlements provided that the ~~association certifies~~
 13 13 associations and bank certify by written statement that

CODE: Beginning July 1, 2012, permits State historic tax credits awarded to the members or shareholders of a partnership, limited liability company, S corporation, estate, or trust to be allocated to the members and shareholders at the discretion of the business. Currently, the tax credits are required to be allocated based on the pro rata share of the individual's earnings from the business.

FISCAL IMPACT: State historic preservation tax credits are fully refundable so it is assumed that under current law all tax credits that are issued are redeemed. This change will not alter that assumption so the change has no fiscal impact.

CODE: Amends the requirements for maintaining confidential documents and records during the examination of a domestic or foreign insurer to include the International Association of Insurance Supervisors (IAIS) and the Bank for International Settlements (BIS). These entities are required to maintain the confidentiality.

DETAIL: The IAIS is an organization for insurance regulators and supervisors from 140 countries. The IAIS promotes globally consistent supervision of the insurance industry in order to develop and maintain fair, safe and stable insurance markets for the benefit and protection of policyholders, and to contribute to global financial stability. The BIS is an intergovernmental organization of central banks which promotes international monetary and financial cooperation and serves as a bank

13 14 the confidentiality of the records will be maintained.

for central banks, providing banking services to central banks or to international organizations like itself. As an organization of central banks, the BIS seeks to make monetary policy more predictable and transparent among its 58 member central banks.

13 15 Sec. 34.NEW SECTION 514C.29 SERVICES PROVIDED BY
13 16 A DOCTOR OF CHIROPRACTIC.

CODE: Adds services provided by chiropractors to the Iowa Code chapter regarding special health and accident insurance coverage. Prohibits insurers from imposing a copayment for chiropractic services greater than that charged for medical and osteopathic physicians for similar diagnoses. Specifies the classes of insurance covered by this Section and those that are not covered.

13 17 1. Notwithstanding the uniformity of treatment
13 18 requirements of section 514C.6, a policy, contract, or
13 19 plan providing for third-party payment or prepayment of
13 20 health or medical expenses shall not impose a copayment
13 21 or coinsurance amount on an insured for services
13 22 provided by a doctor of chiropractic licensed pursuant
13 23 to chapter 151 that is greater than the copayment
13 24 or coinsurance amount imposed on the insured for
13 25 services provided by a person engaged in the practice
13 26 of medicine and surgery or osteopathic medicine and
13 27 surgery under chapter 148 for the same or a similar
13 28 diagnosed condition even if a different nomenclature is
13 29 used to describe the condition for which the services
13 30 are provided.

13 31 2. This section applies to the following classes
13 32 of third-party payment provider policies, contracts,
13 33 or plans delivered, issued for delivery, continued, or
13 34 renewed in this state on or after July 1, 2012:
13 35 a. Individual or group accident and sickness
13 36 insurance providing coverage on an expense-incurred
13 37 basis.

13 38 b. An individual or group hospital or medical
13 39 service contract issued pursuant to chapter 509, 514,
13 40 or 514A.

13 41 c. An individual or group health maintenance
13 42 organization contract regulated under chapter 514B.

13 43 d. A plan established pursuant to chapter 509A for
13 44 public employees.

13 45 e. An organized delivery system licensed by the
13 46 director of public health.

13 47 3. This section shall not apply to accident-only,
13 48 specified disease, short-term hospital or medical,
13 49 hospital confinement indemnity, credit, dental, vision,
13 50 Medicare supplement, long-term care, basic hospital
14 1 and medical-surgical expense coverage as defined
14 2 by the commissioner, disability income insurance
14 3 coverage, coverage issued as a supplement to liability
14 4 insurance, workers' compensation or similar insurance,
14 5 or automobile medical payment insurance.

| | |
|---|--|
| <p>14 6 Sec. 35. Section 598.41, subsection 3, Code 2011, 14 7 is amended by adding the following new paragraph: 14 8 NEW PARAGRAPH k. Whether a parent has allowed a 14 9 person custody or control of, or unsupervised access 14 10 to a child after knowing the person is required to 14 11 register or is on the sex offender registry as a sex 14 12 offender under chapter 692A.</p> | <p>CODE: Requires the court to consider whether a parent has allowed a person on the sex offender registry to have custody, control, or unsupervised access to a child. This provision applies if the parent knows the person is required to register as a sex offender, when considering child custody arrangements.</p> |
| <p>14 13 Sec. 36. REPEAL. 2012 Iowa Acts, House File 2168, 14 14 section 5, is repealed.</p> | <p>CODE: Repeals a Section enacted in HF 2168 regarding the authorization deposit of public funds to conform the Iowa Code to the current practice.</p> |
| <p>14 15 Sec. 37. HOUSING ENTERPRISE ZONE TAX CREDIT 14 16 ISSUANCE. 14 17 1. Notwithstanding section 15E.193B, subsection 4, 14 18 the authority may issue a tax credit to an eligible 14 19 housing business for a project not completed within two 14 20 years from the time the business began construction if 14 21 a city failed to file the appropriate paperwork with 14 22 the authority requesting an extension for the project 14 23 pursuant to section 15E.193B, subsection 4. 14 24 2. The authorization described in subsection 1 only 14 25 applies to projects for which a city failed to file 14 26 an extension between January 1, 2007, and January 1, 14 27 2008, and only to benefits earned for a project between 14 28 February 8, 2005, and February 8, 2008.</p> | <p>Allows the Economic Development Authority (EDA) to issue tax credits to a business for a project that was not completed within two years from the project start date because the city failed to file the appropriate paperwork to obtain an extension. The project must be within a city that failed to file an extension between January 1, 2007, and January 1, 2008, and only for benefits earned for work done on the project between February 8, 2005, and February 8, 2008.</p> <p>DETAIL: This is for a Housing Enterprise Zone Award from FY 2005 in Waterloo.</p> <p>FISCAL IMPACT: Minimal fiscal impact.</p> |
| <p>14 29 Sec. 38. CODE EDITOR DIRECTIVE. Sections 572.1, 14 30 572.8, 572.10, 572.13, 572.18, 572.22, and 572.24, Code 14 31 and Code Supplement 2011, as amended by 2012 Iowa Acts, 14 32 House File 675, sections 2, 4, 6, 8, 15, 16, and 18, if 14 33 enacted, are amended as follows: 14 34 1. By striking from the sections the words “state 14 35 construction registry” and inserting in lieu thereof 14 36 the words “mechanics’ notice and lien registry”.</p> | <p>CODE: Technical clarification concerning mechanics' liens to conform the Iowa Code to the current practice.</p> |
| <p>14 37 Sec. 39. CODE EDITOR DIRECTIVE. Sections 572.13A, 14 38 572.13B, and 572.34, if enacted by 2012 Iowa Acts, 14 39 House File 675, sections 9, 10, and 25, are amended as 14 40 follows: 14 41 1. By striking from the sections the words “state 14 42 construction registry” and inserting in lieu thereof 14 43 the words “mechanics’ notice and lien registry”.</p> | <p>CODE: Technical clarification concerning mechanics' liens to conform the Code to the current practice.</p> |
| <p>14 44 Sec. 40. EFFECTIVE UPON ENACTMENT. The following</p> | <p>The following Sections are effective on enactment:</p> |

14 45 provision or provisions of this division of this Act,
 14 46 being deemed of immediate importance, take effect upon
 14 47 enactment:

14 48 1. The section of this division of this Act
 14 49 enacting section 256C.4, subsection 1, paragraphs "g"
 14 50 and "h".

15 1 2. The section of this division of this Act
 15 2 amending section 418.4, subsection 3, paragraph "b", as
 15 3 enacted by 2012 Iowa Acts, Senate File 2217, section 5.

15 4 3. The section of this division of this Act
 15 5 amending 2012 Iowa Acts, Senate File 2289.

15 6 4. The section of this division of this Act
 15 7 amending 2010 Iowa Acts, chapter 1193, section 29,
 15 8 subsection 2, as enacted by 2011 Iowa Acts, chapter
 15 9 127, section 54.

15 10 5. The section of this division of this Act
 15 11 amending 2007 Iowa Acts, chapter 219, section 2,
 15 12 subsection 2, paragraph a, as enacted by 2011 Iowa
 15 13 Acts, chapter 133, section 32.

15 14 6. The section of this division of this Act
 15 15 authorizing expenditures by the attorney general's
 15 16 office.

15 17 Sec. 41. EFFECTIVE DATE. The sections of this
 15 18 division of this Act amending sections 572.1, 572.8,
 15 19 572.10, 572.13, 572.13A, 572.13B, 572.18, 572.22,
 15 20 572.24, and 572.34, take effect January 1, 2013.

15 21 Sec. 42. RETROACTIVE APPLICABILITY. The following
 15 22 provision or provisions of this division of this Act
 15 23 apply retroactively to April 19, 2012:

15 24 1. The section of this division of this Act
 15 25 amending section 418.4, subsection 3, paragraph "b", as
 15 26 enacted by 2012 Iowa Acts, Senate File 2217, section 5.

15 27 Sec. 43. RETROACTIVE APPLICABILITY. The following
 15 28 provision or provisions of this division of this Act
 15 29 apply retroactively to April 12, 2012:

15 30 1. The section of this division of this Act
 15 31 amending 2012 Iowa Acts, Senate File 2289.

15 32 DIVISION III
 15 33 CORRECTIVE PROVISIONS

15 34 Sec. 44. Section 9B.2, subsection 10, paragraph a,
 15 35 if enacted by 2012 Iowa Acts, Senate File 2265, section
 15 36 2, is amended to read as follows:

- Section 2: Permits the Attorney General to spend moneys received pursuant to the Joint State Federal Mortgage Servicing Settlement Consent Decree.
- Section 8: Extends the reversion date of two FY 2008 RIF appropriations to the DAS.
- Section 9: Extends the carry forward of an FY 2011 General Fund appropriation to the DAS for information technology.
- Section 12: Provisions making SF 2289 (Disaster Case Management Act) effective on enactment and retroactively applicable.
- Section 22: Limits preschool foundation aid administrative expenses.
- Section 31: Requirements on projects that receive funding from the Sales Tax Increment Fund.

Specifies Iowa Code sections that are effective January 1, 2013.

The changes to SF 2217 (FY 2013 Flood Mitigation Act) for projects receiving funds from the Sales Tax Increment Fund are retroactive to April 19, 2012.

The changes to SF 2289 (Disaster Case Management Act) are retroactive to April 12, 2012.

CODE: Makes a technical correction to SF 2265 relating to notarial acts, fees, and effective date provisions.

15 37 a. "Personal appearance" means an act of a party
 15 38 to physically appear within the presence of a ~~notary~~
 15 39 ~~public notarial officer~~ at the time the ~~notarization~~
 15 40 ~~occurs~~ notarial act is performed.

15 41 Sec. 45. Section 105.2, subsection 8, Code
 15 42 Supplement 2011, as amended by 2012 Iowa Acts, House
 15 43 File 2285, section 1, if enacted, is amended to read
 15 44 as follows:

15 45 8. "Hydronic" means a heating or cooling system
 15 46 that transfers heating or cooling by circulating fluid
 15 47 through a closed system, including boilers, pressure
 15 48 vessels, refrigerated equipment in connection with
 15 49 chilled water systems, all steam piping, hot or chilled
 15 50 water piping together with all control devices and
 16 1 accessories, installed as part of, or in connection
 16 2 with, any heating or cooling system or appliance whose
 16 3 primary purpose is to provide comfort using a liquid,
 16 4 water, or steam as the heating or cooling media.
 16 5 "Hydronic" includes all low-pressure and high-pressure
 16 6 systems and all natural, propane, liquid propane, or
 16 7 other gas lines associated with any component of a
 16 8 hydronic system. For purposes of this definition,
 16 9 "primary purpose is to provide comfort" means a system
 16 10 or appliance in which at least fifty-one percent of
 16 11 the capacity generated by its operation, on an annual
 16 12 average, is dedicated to comfort heating or cooling.

16 13 Sec. 46. Section 135.156E, subsection 1, paragraph
 16 14 b, if enacted by 2012 Iowa Acts, Senate File 2318,
 16 15 section 14, is amended to read as follows:
 16 16 b. Require authentication controls to verify the
 16 17 ~~identify~~ identity and role of the participant using the
 16 18 Iowa health information network.

16 19 Sec. 47. Section 135C.6, subsection 8, paragraphs a
 16 20 and b, Code 2011, as amended by 2012 Iowa Acts, Senate
 16 21 File 2247, section 15, are amended to read as follows:
 16 22 a. Residential programs providing care to not more
 16 23 than four individuals and receiving moneys appropriated
 16 24 to the department of human services under provisions of
 16 25 a federally approved home and community-based services
 16 26 waiver for persons with an intellectual ~~disabilities~~
 16 27 disability or other medical assistance program under
 16 28 chapter 249A. In approving a residential program under
 16 29 this paragraph, the department of human services shall

CODE: Makes a technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing.

CODE: Makes technical corrections to SF 2318 relating to the Iowa Health Information Network.

CODE: Makes technical corrections to SF 2247 relating to terminology changes in the Iowa Code referencing mental retardation.

16 30 consider the geographic location of the program so as
 16 31 to avoid an overconcentration of such programs in an
 16 32 area. In order to be approved under this paragraph, a
 16 33 residential program shall not be required to involve
 16 34 the conversion of a licensed residential care facility
 16 35 for persons with an intellectual disability.
 16 36 b. Not more than forty residential care facilities
 16 37 for persons with an intellectual disability that are
 16 38 licensed to serve not more than five individuals may
 16 39 be authorized by the department of human services
 16 40 to convert to operation as a residential program
 16 41 under the provisions of a medical assistance home and
 16 42 community-based services waiver for persons with an
 16 43 ~~intellectual disabilities~~ disability. A converted
 16 44 residential program operating under this paragraph
 16 45 is subject to the conditions stated in paragraph "a"
 16 46 except that the program shall not serve more than five
 16 47 individuals.

16 48 Sec. 48. Section 144D.3, subsection 4, as enacted
 16 49 by 2012 Iowa Acts, House File 2165, section 4, is
 16 50 amended to read as follows:

17 1 4. In the absence of actual notice of the
 17 2 revocation of a POST form, a health care provider,
 17 3 hospital, health care facility, or any other person who
 17 4 complies with a POST form shall not be subject to civil
 17 5 or criminal liability or professional disciplinary
 17 6 action for actions taken under this chapter which are
 17 7 in accordance with reasonable medical standards. A
 17 8 health care provider, hospital, health care facility,
 17 9 or other person against whom criminal or civil
 17 10 liability or professional disciplinary action is
 17 11 asserted because of conduct in compliance with this
 17 12 chapter may interpose the restriction on liability in
 17 13 this ~~paragraph~~ subsection as an absolute defense.

17 14 Sec. 49. Section 152B.2, subsection 1, paragraph
 17 15 a, subparagraph (2), Code 2011, as amended by 2012
 17 16 Iowa Acts, Senate File 2248, section 2, if enacted, is
 17 17 amended to read as follows:

17 18 (2) Direct and indirect respiratory care services
 17 19 including but not limited to the administration of
 17 20 pharmacological and diagnostic and therapeutic agents
 17 21 related to respiratory care procedures necessary to
 17 22 implement a treatment, disease prevention, pulmonary
 17 23 rehabilitative, or diagnostic regimen prescribed by a

CODE: Makes a technical correction to HF 2165 relating to physician orders for scopes of treatment.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

17 24 licensed physician, or surgeon, or a qualified health
17 25 care professional prescriber.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

17 26 Sec. 50. Section 152B.3, subsection 1, unnumbered
17 27 paragraph 1, Code 2011, as amended by 2012 Iowa Acts,
17 28 Senate File 2248, section 5, if enacted, is amended to
17 29 read as follows:

17 30 The performance of respiratory care shall be
17 31 in accordance with the prescription of a licensed
17 32 physician; or surgeon; or a qualified health care
17 33 professional prescriber and includes but is not limited
17 34 to the diagnostic and therapeutic use of the following:

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

17 35 Sec. 51. Section 152B.3, subsection 2, Code 2011,
17 36 as amended by 2012 Iowa Acts, Senate File 2248, section
17 37 6, if enacted, is amended to read as follows:

17 38 2. A respiratory care practitioner may transcribe
17 39 and implement a written or verbal order from a licensed
17 40 physician; or surgeon; or a qualified health care
17 41 professional prescriber pertaining to the practice of
17 42 respiratory care.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

17 43 Sec. 52. Section 152B.4, Code 2011, as amended
17 44 by 2012 Iowa Acts, Senate File 2248, section 7, if
17 45 enacted, is amended to read as follows:

17 46 152B.4 LOCATION OF RESPIRATORY CARE.

17 47 The practice of respiratory care may be performed
17 48 in a hospital as defined in section 135B.1, subsection
17 49 3, and other settings where respiratory care is to
17 50 be provided in accordance with a prescription of a
18 1 licensed physician; or surgeon; or a qualified health
18 2 care professional prescriber. Respiratory care may
18 3 be provided during transportation of a patient and
18 4 under circumstances where an emergency necessitates
18 5 respiratory care.

CODE: Makes technical corrections to SF 2311 relating to the administration of the Department of Agriculture and Land Stewardship (DALs) and the right of a purchaser of agricultural land to obtain information.

18 6 Sec. 53. Section 161A.63, Code 2011, as amended
18 7 by 2012 Iowa Acts, Senate File 2311, section 16, if
18 8 enacted, is amended to read as follows:

18 9 161A.63 RIGHT OF PURCHASER OF AGRICULTURAL LAND TO
18 10 OBTAIN INFORMATION.

18 11 A prospective purchaser of an interest in
18 12 agricultural land located in this state is entitled
18 13 to obtain from the seller, or from the office of the
18 14 soil and water conservation district in which the land
18 15 is located, a copy of the most recently updated farm
18 16 unit soil conservation plan, developed pursuant to

18 17 section 161A.62, subsection 2, which ~~are~~ is applicable
18 18 to the agricultural land proposed to be purchased. A
18 19 prospective purchaser of an interest in agricultural
18 20 land located in this state is entitled to obtain
18 21 additional copies of ~~either or both~~ of the ~~documents~~
18 22 document referred to in this section from the office of
18 23 the soil and water conservation district in which the
18 24 land is located, promptly upon request, at a fee not to
18 25 exceed the cost of reproducing them. All persons who
18 26 identify themselves to the commissioners or staff of
18 27 a soil and water conservation district as prospective
18 28 purchasers of agricultural land in the district shall
18 29 be given information, prepared in accordance with
18 30 rules of the department, which clearly explains the
18 31 provisions of section 161A.76.

18 32 Sec. 54. Section 203C.14, Code 2011, as amended
18 33 by 2012 Iowa Acts, Senate File 2311, section 107, if
18 34 enacted, is amended to read as follows:
18 35 203C.14 SUIT — CLAIMS — NOTICE OF REVOCATION.

18 36 1. A person injured by the breach of an obligation
18 37 of a warehouse operator, for the performance of which a
18 38 bond on agricultural products other than bulk grain, a
18 39 deficiency bond, or an irrevocable letter of credit has
18 40 been given under any of the provisions of this chapter,
18 41 may sue on the bond on agricultural products other than
18 42 bulk grain, deficiency bond, or irrevocable letter of
18 43 credit in the person's own name in a court of competent
18 44 jurisdiction to recover any damages the person has
18 45 sustained by reason of the breach.

18 46 2. a. Upon the cessation of a warehouse operator's
18 47 license due to revocation, cancellation, or expiration,
18 48 a claim against the warehouse operator arising
18 49 under this chapter shall be made in writing with
18 50 the warehouse operator, with the issuer of a bond
19 1 on agricultural products other than bulk grain, a
19 2 deficiency bond, or an irrevocable letter of credit,
19 3 and, if the claim relates to bulk grain, with the
19 4 department. The claim must be made within one hundred
19 5 twenty days after the cessation of the license. The
19 6 failure to make a timely claim relieves the issuer
19 7 and, if the claim relates to bulk grain, the grain
19 8 depositors and sellers indemnity fund provided in
19 9 chapter 203D of all obligations to the claimant.

19 10 ~~3. b.~~ Upon revocation of a warehouse license, the
19 11 department shall cause notice of the revocation to be

CODE: Makes technical corrections to SF 2311 relating to the administration of the DALs and notices of revocation.

19 12 published once each week for two consecutive weeks
 19 13 in a newspaper of general circulation in each of the
 19 14 counties in which the licensee maintains a business
 19 15 location and in a newspaper of general circulation
 19 16 within the state. The notice shall state the name and
 19 17 address of the warehouse operator and the effective
 19 18 date of revocation. The notice shall also state that
 19 19 any claims against the warehouse operator shall be made
 19 20 in writing and sent by ordinary mail to the warehouse
 19 21 operator, to the issuer of a bond on agricultural
 19 22 products other than bulk grain, deficiency bond, or an
 19 23 irrevocable letter of credit, and to the department
 19 24 within one hundred twenty days after revocation, and
 19 25 the notice shall state that the failure to make a
 19 26 timely claim does not relieve the warehouse operator
 19 27 from liability to the claimant.
 19 28 c. This ~~paragraph subsection~~ does not apply if
 19 29 a receiver is appointed as provided in this chapter
 19 30 pursuant to a petition which is filed by the department
 19 31 prior to the expiration of one hundred twenty days
 19 32 after ~~revocation, termination, or cancellation~~
 19 33 cessation of warehouse operator's license.

19 34 Sec. 55. Section 249A.12, subsection 5, paragraph
 19 35 a, unnumbered paragraph 1, Code 2011, as amended by
 19 36 2012 Iowa Acts, Senate File 2247, section 101, is
 19 37 amended to read as follows:
 19 38 The mental health and disability services commission
 19 39 shall recommend to the department the actions necessary
 19 40 to assist in the transition of individuals being served
 19 41 in an intermediate care facility for persons with
 19 42 an intellectual disability, who are appropriate for
 19 43 the transition, to services funded under a medical
 19 44 assistance home and community-based services waiver
 19 45 for persons with an intellectual disability in a
 19 46 manner which maximizes the use of existing public and
 19 47 private facilities. The actions may include but are
 19 48 not limited to submitting any of the following or
 19 49 a combination of any of the following as a request
 19 50 for a revision of the medical assistance home and
 20 1 community-based services waiver for persons with an
 20 2 intellectual ~~disabilities~~ disability:

20 3 Sec. 56. Section 261.115, subsection 3, paragraphs
 20 4 c and d, if enacted by 2012 Iowa Acts, House File 2458,
 20 5 section 1, are amended to read as follows:

CODE: Makes a technical correction to SF 2247 relating to terminology changes in statutory references to mental retardation.

CODE: Makes a technical correction to SF 2458 relating to the establishment of a rural Iowa primary care loan repayment program and trust fund.

20 6 c. Complete their the residency program requirement
20 7 with an Iowa-based residency program.
20 8 d. Within nine months of graduating from ~~their the~~
20 9 residency program and receiving a permanent license in
20 10 accordance with paragraph "b", engage in the full-time
20 11 practice of medicine and surgery or osteopathic
20 12 medicine and surgery specializing in family medicine,
20 13 pediatrics, psychiatry, internal medicine, or general
20 14 surgery for a period of sixty consecutive months in the
20 15 service commitment area specified under subsection 6,
20 16 unless the loan repayment recipient receives a waiver
20 17 from the commission to complete the months of practice
20 18 required under the agreement in another service
20 19 commitment area pursuant to subsection 6.

20 20 Sec. 57. Section 261.115, subsection 8, if enacted
20 21 by 2012 Iowa Acts, House File 2458, section 1, is
20 22 amended to read as follows:
20 23 8. PART-TIME PRACTICE — AGREEMENT AMENDED. A
20 24 person who entered into an agreement pursuant to
20 25 subsection 3 may apply to the commission to amend the
20 26 agreement to allow the person to engage in less than
20 27 the full-time practice specified in the agreement and
20 28 under subsection 3, paragraph "d". If the commission
20 29 determines exceptional circumstances exist, the
20 30 commission and the person may consent to amend the
20 31 agreement under which the person shall engage in less
20 32 than full-time practice of medicine and surgery or
20 33 osteopathic medicine and surgery specializing in family
20 34 medicine, pediatrics, psychiatry, internal medicine,
20 35 or general surgery in a service commitment area for
20 36 an extended period of part-time practice determined
20 37 by the commission to be proportional to the amount
20 38 of full-time practice remaining under the original
20 39 agreement.

20 40 Sec. 58. Section 261.115, subsection 9, paragraph
20 41 b, if enacted by 2012 Iowa Acts, House File 2458,
20 42 section 1, is amended to read as follows:
20 43 b. Except for a postponement under paragraph "a",
20 44 subparagraph (6), an obligation to engage in practice
20 45 under an agreement entered into pursuant to subsection
20 46 3, shall not be postponed for more than two years from
20 47 the time the full-time practice was to have commenced
20 48 under the agreement.

CODE: Makes a technical correction to SF 2458 relating to the establishment of a rural Iowa primary care loan repayment program and trust fund.

CODE: Makes a technical correction to SF 2458 relating to the establishment of a rural Iowa primary care loan repayment program and trust fund.

20 49 Sec. 59. Section 273.2, subsection 3, Code
 20 50 Supplement 2011, as amended by 2012 Iowa Acts, Senate
 21 1 File 2203, section 38, if enacted, is amended to read
 21 2 as follows:
 21 3 3. The area education agency board shall furnish
 21 4 educational services and programs as provided in
 21 5 ~~sections~~ section 273.1, this section, sections 273.3
 21 6 to 273.9, and chapter 256B to the pupils enrolled
 21 7 in public or nonpublic schools located within its
 21 8 boundaries which are on the list of accredited schools
 21 9 pursuant to section 256.11. The programs and services
 21 10 provided shall be at least commensurate with programs
 21 11 and services existing on July 1, 1974. The programs
 21 12 and services provided to pupils enrolled in nonpublic
 21 13 schools shall be comparable to programs and services
 21 14 provided to pupils enrolled in public schools within
 21 15 constitutional guidelines.

CODE: Makes a technical correction to SF 2203 relating to nonsubstantive statutory corrections and effective date revisions.

21 16 Sec. 60. Section 321.188, subsection 6, paragraph
 21 17 c, if enacted by 2012 Iowa Acts, House File 2403,
 21 18 section 1, is amended to read as follows:
 21 19 c. An applicant who obtains a skills test waiver
 21 20 under this subsection shall take and successfully pass
 21 21 the knowledge test required pursuant to subsection ~~2~~ 1.

CODE: Makes a technical correction to HF 2403 relating to requirements for a commercial driver's license for persons transitioning from military service.

21 22 Sec. 61. Section 321.323A, subsection 3, paragraph
 21 23 c, subparagraph (1), if enacted by 2012 Iowa Acts,
 21 24 House File 2228, section 3, is amended to read as
 21 25 follows:
 21 26 (1) For a violation causing damage to the property
 21 27 of another person, but not resulting in bodily injury
 21 28 to or death of ~~to~~ another person, the department shall
 21 29 suspend the violator's driver's license or operating
 21 30 privileges for ninety days.

CODE: Makes a technical correction to HF 2228 relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to change lanes or reduce speed in specific situations.

21 31 Sec. 62. Section 321.457, subsection 2, paragraph
 21 32 n, subparagraph (4), if enacted by 2012 Iowa Acts,
 21 33 House File 2428, section 1, is amended to read as
 21 34 follows:

CODE: Makes a technical correction to HF 2428 relating to movement of certain combinations of vehicles on economic export corridors established by the DOT.

21 35 (4) For purposes of this paragraph "n", "full
 21 36 trailer" means as defined in 49 C.F.R. § ~~390~~ 390.5.
 21 37 Sec. 63. Section 321.7, subsection 3, Code 2011,
 21 38 as amended by 2012 Iowa Acts, House File 2467, section
 21 39 39, is amended to read as follows:
 21 40 3. Duplicate registrations may be issued by a
 21 41 county recorder or a license agent ~~and~~ upon the payment

21 42 of a five dollar fee plus a writing fee as provided in
21 43 section 3211.29.

21 44 Sec. 64. Section 322.5, subsection 6, paragraph b,
21 45 subparagraph (2), if enacted by 2012 Iowa Acts, Senate
21 46 File 2249, section 4, is amended to read as follows:
21 47 (2) The state in which the person is licensed as
21 48 a motor vehicle dealer allows a motor vehicle dealer
21 49 licensed in Iowa to be issued a permit substantially
21 50 similar to the temporary permit authorized under this
22 1 ~~section~~ subsection.

CODE: Makes a technical correction to SF 2249 relating to motor vehicle dealers at events and the definition of travel trailers for the purpose of dealer requirements.

22 2 Sec. 65. Section 326.3, subsection 19, if enacted
22 3 by 2012 Iowa Acts, Senate File 2216, section 18, is
22 4 amended to read as follows:
22 5 19. "Operational records" means source documents
22 6 that evidence distance traveled by a fleet in each
22 7 member jurisdiction, such as ~~fuel~~ fuel reports, trip
22 8 sheets, and driver logs, including those which may
22 9 be generated through on-board devices and maintained
22 10 electronically, as required by the audit procedures
22 11 manual.

CODE: Makes technical corrections to SF 2216 relating to the registration and implementation of commercial motor vehicles under the international registration plan.

22 12 Sec. 66. Section 418.4, subsection 1, paragraph b,
22 13 if enacted by 2012 Iowa Acts, Senate File 2217, section
22 14 5, is amended to read as follows:
22 15 b. A governmental entity as defined in section
22 16 418.1, subsection 4, paragraph "c", shall have the
22 17 power to construct, acquire, own, repair, improve,
22 18 operate, and maintain a project, may sue and be sued,
22 19 contract, and acquire and hold real and personal
22 20 property, subject to the limitation in paragraph "c",
22 21 and shall have such other powers as may be included in
22 22 the chapter 28E agreement. Such a governmental entity
22 23 may contract with a city or the county participating in
22 24 the chapter 28E agreement to perform any governmental
22 25 service, activity, or undertaking that the city or
22 26 county is authorized by law to perform, including but
22 27 not limited to contracts for administrative services.

CODE: Makes technical corrections to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.

22 28 Sec. 67. Section 418.5, subsection 7, if enacted by
22 29 2012 Iowa Acts, Senate File 2217, section 6, is amended
22 30 to read as follows:
22 31 7. A majority of the ~~board~~ voting members
22 32 constitutes a quorum.

CODE: Makes technical corrections to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.

22 33 Sec. 68. Section 418.9, subsection 2, paragraph g,

CODE: Makes technical corrections to SF 2217 relating to the

| | |
|---|--|
| <p>22 34 if enacted by 2012 Iowa Acts, Senate File 2217, section 22 35 10, is amended to read as follows: 22 36 g. Whether the project plan is consistent with 22 37 the applicable comprehensive, countywide emergency 22 38 operations plan in effect and other applicable local 22 39 hazard mitigation plans.</p> | <p>establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.</p> |
| <p>22 40 Sec. 69. Section 504.719, subsection 3, as enacted 22 41 by 2012 Iowa Acts, Senate File 2260, section 8, is 22 42 amended to read as follows: 22 43 3. An inspector may, but is not required to, be a 22 44 director, member of a designated body, member, officer, 22 45 or employee of the corporation. A person who is a 22 46 candidate for an office to be filled at the meeting 22 47 shall not be an inspector at that meeting.</p> | <p>CODE: Makes technical corrections to SF 2260 relating to the revision of the Iowa Nonprofit Corporation Act.</p> |
| <p>22 48 Sec. 70. Section 508.37, subsection 5, paragraph c, 22 49 Code 2011, as amended by 2012 Iowa Acts, Senate File 22 50 2203, section 105, if enacted, is amended to read as 23 1 follows: 23 2 c. The adjusted premiums for a policy providing 23 3 term insurance benefits by rider or supplemental policy 23 4 provision shall be equal to (1) the adjusted premiums 23 5 for an otherwise similar policy issued at the same age 23 6 without such term insurance benefits, increased during 23 7 the period for which premiums for such term insurance 23 8 benefits are payable, by (2) the adjusted premiums 23 9 for such term insurance, the foregoing items (1) and 23 10 (2) being calculated separately and as specified in 23 11 paragraphs "a" and "b" of this subsection except that, 23 12 for the purposes of of paragraph "a", subparagraph 23 13 (1), subparagraph divisions (b), (c), and (d), the 23 14 amount of insurance or equivalent uniform amount of 23 15 insurance used in the calculation of the adjusted 23 16 premiums referred to in item (2) in this paragraph 23 17 shall be equal to the excess of the corresponding 23 18 amount determined for the entire policy over the amount 23 19 used in the calculation of the adjusted premiums in 23 20 item (1) in this paragraph.</p> | <p>CODE: Makes a technical correction to SF 2203 relating to nonsubstantive statutory corrections and effective dates.</p> |
| <p>23 21 Sec. 71. Section 515I.1, subsection 2, if enacted 23 22 by 2012 Iowa Acts, House File 2145, section 1, is 23 23 amended to read as follows: 23 24 2. This division chapter shall be liberally 23 25 construed to promote these purposes.</p> | <p>CODE: Makes a technical correction to HF 2145 relating to regulations, penalties, provisions, and repeals to permit access to surplus lines insurance in Iowa.</p> |
| <p>23 26 Sec. 72. Section 536A.10, Code 2011, as amended</p> | <p>CODE: Makes a technical correction to SF 2203 relating to</p> |

23 27 by 2012 Iowa Acts, Senate File 2203, section 139, if
 23 28 enacted, is amended to read as follows:

23 29 536A.10 ISSUANCE OF LICENSE.

23 30 1.—~~If The superintendent shall approve the~~
 23 31 ~~application and issue to the applicant a license~~
 23 32 ~~to engage in the industrial loan business in~~
 23 33 ~~accordance with the provisions of this chapter, if the~~
 23 34 superintendent shall find:

23 35 a. That the financial responsibility, experience,
 23 36 character and general fitness of the applicant and
 23 37 of the officers thereof are such as to command the
 23 38 confidence of the community, and to warrant the belief
 23 39 that the business will be operated honestly, fairly and
 23 40 efficiently within the purpose of this chapter;

23 41 b. That a reasonable necessity exists for a new
 23 42 industrial loan company in the community to be served;

23 43 c. That the applicant has available for the
 23 44 operation of the business at the specified location
 23 45 paid-in capital and surplus as required by section
 23 46 536A.8; and

23 47 d. That the applicant is a corporation organized
 23 48 for pecuniary profit under the laws of the state of
 23 49 Iowa.

23 50 2.—~~The superintendent shall approve the application~~
 24 1 ~~and issue to the applicant a license to engage in~~
 24 2 ~~the industrial loan business in accordance with the~~
 24 3 ~~provisions of this chapter. The superintendent shall~~
 24 4 approve or deny an application for a license within one
 24 5 hundred twenty days from the date of the filing of such
 24 6 application.

24 7 Sec. 73. Section 602.9202, subsection 4, Code 2011,
 24 8 as amended by 2012 Iowa Acts, Senate File 2285, section
 24 9 106, is amended to read as follows:

24 10 4. "Senior judge retirement age" means seventy-eight
 24 11 years of age or, if the senior judge is reappointed as
 24 12 a senior judge for an additional one-year term upon
 24 13 attaining seventy-eight years of age, and then to a
 24 14 succeeding one-year term, pursuant to section 602.9203,
 24 15 eighty years of age.

24 16 Sec. 74. Section 617.11, subsection 3, unnumbered
 24 17 paragraph 1, if enacted by 2012 Iowa Acts, House File
 24 18 2370, section 1, is amended to read as follows:

24 19 If a claim of interest against the property is
 24 20 acquired prior to the indexing of a petition or

nonsubstantive statutory corrections and effective dates.

CODE: Makes a technical correction to SF 2285 relating to statutory corrections.

CODE: Makes a technical correction to HF 2370 relating to real estate and mortgage foreclosure civil actions.

| | |
|---|---|
| <p>24 21 municipal <u>infraction</u> citation affecting real estate 24 22 and filed by a city and such claim is not indexed or 24 23 filed of record prior to the indexing of the petition 24 24 or citation, it is subject to the pending action 24 25 as provided in subsection 1, unless either of the 24 26 following occurs:</p> <p>24 27 Sec. 75. EFFECTIVE DATE. The section of this 24 28 division of this Act amending section 9B.2, subsection 24 29 10, paragraph a, takes effect January 1, 2013.</p> <p>24 30 Sec. 76. EFFECTIVE UPON ENACTMENT. The section 24 31 of this division of this Act amending section 105.2, 24 32 subsection 8, being deemed of immediate importance, 24 33 takes effect upon enactment.</p> <p>24 34 Sec. 77. RETROACTIVE APPLICABILITY. The section 24 35 of this division of this Act amending section 105.2, 24 36 subsection 8, applies retroactively to the effective 24 37 date of 2012 Iowa Acts, House File 2285.</p> <p>24 38 Sec. 78. EFFECTIVE UPON ENACTMENT. The section of 24 39 this division of this Act amending section 135.156E, 24 40 subsection 1, paragraph b, being deemed of immediate 24 41 importance, takes effect upon enactment.</p> <p>24 42 Sec. 79. RETROACTIVE APPLICABILITY. The section of 24 43 this division of this Act amending section 135.156E, 24 44 subsection 1, paragraph b, applies retroactively to the 24 45 effective date of 2012 Iowa Acts, Senate File 2318.</p> <p>24 46 Sec. 80. EFFECTIVE UPON ENACTMENT. The section 24 47 of this division of this Act amending section 322.5, 24 48 subsection 6, paragraph "b", subparagraph (2), being 24 49 deemed of immediate importance, takes effect upon 24 50 enactment.</p> <p>25 1 Sec. 81. RETROACTIVE APPLICABILITY. The section 25 2 of this division of this Act amending section 322.5, 25 3 subsection 6, paragraph "b", subparagraph (2), applies 25 4 retroactively to the effective date of 2012 Iowa Acts, 25 5 Senate File 2249.</p> <p>25 6 Sec. 82. EFFECTIVE UPON ENACTMENT. The sections 25 7 of this division of this Act amending section 418.4, 25 8 subsection 1, paragraph b, section 418.5, subsection</p> | <p>The Section making a technical correction to SF 2265 relating to notarial acts, fees, and effective date provisions is effective on January 1, 2013.</p> <p>The Section making a technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing is effective on enactment.</p> <p>The Section making the technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing is retroactive to March 29, 2012.</p> <p>The Section making a technical correction to SF 2318 relating to the Iowa Health Information Network is effective on enactment.</p> <p>The Section making a technical correction to SF 2318 relating to the Iowa Health Information Network is retroactive to the enactment date of SF 2318.</p> <p>The Section making a technical correction to SF 2249 relating to a motor vehicle dealers at events and the definition of travel trailers for the purpose of dealer requirements is effective on enactment.</p> <p>The Section making a technical correction to SF 2249 is retroactive to the date SF 2249 is enacted.</p> <p>The Section making a technical correction to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues</p> |
|---|---|

25 9 7, and section 418.9, subsection 2, paragraph g,
25 10 being deemed of immediate importance, take effect upon
25 11 enactment.

and other assistance for flood mitigation projects is effective on enactment.

25 12 Sec. 83. RETROACTIVE APPLICABILITY. The sections
25 13 of this division of this Act amending section 418.4,
25 14 subsection 1, paragraph b, section 418.5, subsection
25 15 7, and section 418.9, subsection 2, paragraph g, apply
25 16 retroactively to the effective date of 2012 Iowa Acts,
25 17 Senate File 2217.

The Section making a technical correction to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects is retroactive to the date SF 2217 is enacted.

25 18 Sec. 84. EFFECTIVE UPON ENACTMENT. The section
25 19 of this division of this Act amending section 5151.1,
25 20 subsection 2, being deemed of immediate importance,
25 21 takes effect upon enactment.

The Section making a technical correction to HF 2145 relating to regulations, penalties, provisions, and repeals to permit access to surplus lines insurance in Iowa is effective on enactment.

25 22 Sec. 85. RETROACTIVE APPLICABILITY. The section
25 23 of this division of this Act amending section 5151.1,
25 24 subsection 2, applies retroactively to the effective
25 25 date of 2012 Iowa Acts, House File 2145.

The Section making a technical correction to HF 2145 is retroactive to the date HF 2145 was enacted (March 29, 2012).

25 26 DIVISION IV
25 27 CARRY FORWARD APPROPRIATIONS

25 28 Sec. 86. IOWA STATE MEMORIAL — RESTORATION. There
25 29 is appropriated from the general fund of the state to
25 30 the department of cultural affairs for the fiscal year
25 31 beginning July 1, 2011, and ending June 30, 2012, the
25 32 following amount, or so much thereof as is necessary,
25 33 to be used for the purposes designated:

General Fund FY 2012 supplemental appropriation to the Department of Cultural Affairs for FY 2012 to be used to preserve and restore the Iowa State Memorial at Vicksburg National Military Park in Mississippi. The funds do not revert to the General Fund at the close of the fiscal year, but carry forward to the close of FY 2014.

25 34 For the preservation and restoration of the Iowa
25 35 state memorial at Vicksburg national military park:
25 36 \$ 320,000

DETAIL: This is a new General Fund supplemental appropriation of \$320,000 for FY 2012. The Iowa Memorial was originally completed in 1912 and is one of 31 Civil War state memorials located in the Park.

25 37 Notwithstanding section 8.33, moneys appropriated in
25 38 this section that remain unencumbered or unobligated
25 39 at the close of the fiscal year shall not revert but
25 40 shall remain available for expenditure for the purposes
25 41 designated until the close of the fiscal year that
25 42 begins July 1, 2013.

25 43 Sec. 87. LABOR MANAGEMENT COUNCILS.
25 44 1. There is appropriated from the general fund of
25 45 the state to the department of workforce development
25 46 for the fiscal year beginning July 1, 2011, and ending
25 47 June 30, 2012, the following amounts, or so much
25 48 thereof as is necessary, to be used for the purposes
25 49 designated:

General Fund FY 2012 supplemental appropriation to the Iowa Department of Workforce Development to be used for general support of two Labor Management Councils in counties that meet the criteria set forth. Requires nonreversion of funds through the close of FY 2013.

DETAIL: This is for the Dubuque Area Labor Management Council and

25 50 a. For support of a labor management council that
 26 1 has been in existence for at least 20 years and is
 26 2 located in a county with a population of more than
 26 3 93,650 and less than 93,700:
 26 4 \$ 23,000

26 5 b. For support of a labor management council that
 26 6 has been in existence for at least 20 years and is
 26 7 located in a county with a population of more than
 26 8 165,200 and less than 165,250:
 26 9 \$ 15,000

26 10 2. Notwithstanding section 8.33, moneys
 26 11 appropriated in this section that remain unencumbered
 26 12 or unobligated at the close of the fiscal year shall
 26 13 not revert but shall remain available for expenditure
 26 14 for the purposes designated until the close of the
 26 15 succeeding fiscal year.

26 16 Sec. 88. MALCOLM PRICE LABORATORY SCHOOL.
 26 17 1. INTERIM STUDY.

26 18 a. The legislative council is requested to
 26 19 establish an interim study committee for the 2012
 26 20 legislative interim to study the method of education
 26 21 and training persons who are attending an institution
 26 22 under the control of the board of regents with the
 26 23 intent to become a prekindergarten through grade twelve
 26 24 school educator. The study shall include but is not
 26 25 limited to:

26 26 (1) A review and analysis of the educational
 26 27 methods used in a laboratory school, such as the
 26 28 Malcolm Price laboratory school on the campus of
 26 29 the university of northern Iowa, to enhance the
 26 30 preparation, training, and professional competence of
 26 31 the educators in this state.

26 32 (2) A review and analysis of the education methods,
 26 33 which are alternatives to those applied in a laboratory
 26 34 school, used to enhance the preparation, training, and
 26 35 professional competence of the educators in this state.

26 36 (3) A comprehensive financial analysis of the costs
 26 37 of the methods presented for review and analysis under
 26 38 this lettered paragraph.

26 39 (4) Such other matters as the legislative members
 26 40 of the committee determine are in the best interest of
 26 41 the state to enhance the preparation and professional
 26 42 competence of the educators in this state.

26 43 b. In addition to legislative members, the
 26 44 membership of the interim study committee shall include

the Quad Cities Area Labor Management Council. Labor Management Councils provide training, workshops, and programs to support and promote good faith bargaining and other cooperation and negotiating skills.

Requests that the Legislative Council establish an interim study committee in 2012 to study the education and training of preservice preK-12 teachers currently provided by the UNI through the Malcolm Price Laboratory School and alternative methods of education and training.

26 45 the following public members:
 26 46 (1) Three persons with expertise in the
 26 47 preparation, training, and professional competence of
 26 48 prekindergarten through grade twelve educators. One
 26 49 member shall be appointed by the board of education.
 26 50 One member shall be appointed by the board of regents.
 27 1 One member shall be appointed by the dean of the
 27 2 department of education at the university of northern
 27 3 iowa.
 27 4 (2) Three public members appointed by the
 27 5 legislative council including one person who is a
 27 6 graduate of the Malcolm Price laboratory school on the
 27 7 university of northern iowa campus, one person who is
 27 8 a prekindergarten through grade twelve educator in the
 27 9 Cedar Falls community school district, and one person
 27 10 who is an administrator of a prekindergarten through
 27 11 grade twelve school in the Cedar Falls community school
 27 12 district.
 27 13 c. The committee shall meet at least twice during
 27 14 the 2012 legislative interim and shall submit findings
 27 15 and any recommendations in a report for consideration
 27 16 during the 2013 session of the general assembly.

27 17 2. APPROPRIATION. There is appropriated from
 27 18 the general fund of the state to the state board of
 27 19 regents for the fiscal year beginning July 1, 2011, and
 27 20 ending June 30, 2012, the following amount, or so much
 27 21 thereof as is necessary, to be used for the purposes
 27 22 designated:
 27 23 For the Malcolm Price laboratory school at the
 27 24 university of northern iowa during the fiscal year
 27 25 beginning July 1, 2012:
 27 26 \$ 3,000,000
 27 27 Notwithstanding section 8.33, moneys appropriated in
 27 28 this subsection that remain unencumbered or unobligated
 27 29 at the close of the fiscal year shall not revert but
 27 30 shall remain available for expenditure for the purposes
 27 31 designated until the close of the succeeding fiscal
 27 32 year.

27 33 Sec. 89. DEPARTMENT OF NATURAL RESOURCES —
 27 34 ECONOMIC EMERGENCY FUND. There is appropriated from
 27 35 the iowa economic emergency fund to the department of
 27 36 natural resources for the fiscal year beginning July 1,
 27 37 2011, and ending June 30, 2012, the following amount,
 27 38 or so much thereof as is necessary, to be used for the

General Fund FY 2012 supplemental appropriation to the Board of Regents for the Malcolm Price Laboratory School.

DETAIL: This is a new appropriation. Requires nonreversion of funds through the end of FY 2013.

Economic Emergency Fund FY 2012 supplemental appropriation to the Department of Natural Resources (DNR) to repair damage caused by flooding of the Missouri River at Lewis and Clark, Lake Manawa, and Wilson Island State Parks.

DETAIL: Requires nonreversion of funds for two years from the date of

27 39 purposes designated, notwithstanding section 8.55,
 27 40 subsection 1:
 27 41 For the repair of damages due to the flooding of the
 27 42 Missouri river during the calendar year 2011 in the
 27 43 Lewis and Clark, lake Manawa, and Wilson island state
 27 44 parks and recreation area:
 27 45 \$ 2,865,743
 27 46 For purposes of section 8.33, unless specifically
 27 47 provided otherwise, unencumbered or unobligated
 27 48 moneys remaining from the appropriation made in this
 27 49 section shall not revert but shall remain available
 27 50 for expenditure for the purposes designated until the
 28 1 close of the fiscal year that ends two years after the
 28 2 end of the fiscal year for which the appropriation is
 28 3 made. However, if the project or projects for which
 28 4 the appropriation was made are completed in an earlier
 28 5 fiscal year, unencumbered or unobligated moneys shall
 28 6 revert at the close of that same fiscal year.

the appropriation. If there are funds remaining after repairs are completed in an earlier fiscal year, the money will revert at the close of that fiscal year.

28 7 Sec. 90. STATEWIDE FIRE AND POLICE RETIREMENT
 28 8 SYSTEM FUND — APPROPRIATION.
 28 9 1. There is appropriated from the general fund
 28 10 of the state for deposit in the statewide fire and
 28 11 police retirement fund created in section 411.8, for
 28 12 the fiscal year beginning July 1, 2011, and ending June
 28 13 30, 2012, the following amount to be credited to the
 28 14 retirement fund in the succeeding fiscal year:
 28 15 \$ 5,000,000
 28 16 2. Moneys appropriated by the state pursuant to
 28 17 this section shall not be used to reduce the normal
 28 18 rate of contribution of any city below 17 percent.
 28 19 3. Notwithstanding section 8.33, moneys
 28 20 appropriated in this section that remain unencumbered
 28 21 or unobligated at the close of the fiscal year shall
 28 22 not revert but shall remain available for expenditure
 28 23 for the purposes designated until expended.

General Fund FY 2012 supplemental appropriation to the Statewide Fire and Police Retirement System Fund.

DETAIL: House File 2518 (Public Retirement Systems Act) phased out the State contribution to the 411 System, eliminating the contribution in FY 2013. The FY 2013 contribution rate for the employee is 9.40% and for the employer is 26.12%. Requires nonreversion of funds until expended.

28 24 Sec. 91. PUBLIC SAFETY TRAINING AND FACILITIES TASK
 28 25 FORCE.
 28 26 1. a. There is appropriated from the general fund
 28 27 of the state to the department of public safety for the
 28 28 fiscal period beginning July 1, 2011, and ending June
 28 29 30, 2012, the following amount, or so much thereof as
 28 30 is necessary, to be used for the purposes designated:
 28 31 For providing administrative support for the public
 28 32 safety training and facilities task force established

General Fund FY 2012 supplemental appropriation to the Department of Public Safety (DPS) for a Public Safety Training and Facilities Task Force.

FISCAL IMPACT: The DPS will add a 0.4 FTE position for an Administrative Assistant II (780 hour employee) to support the legislation at an annual cost of \$16,700. The Department is required to provide interim reports to the General Assembly by December 31 of each year and will submit a final report by December 31, 2015 (FY

28 33 by this section:

28 34 \$ 50,000

28 35 b. Notwithstanding section 8.33, moneys

28 36 appropriated in this subsection that remain

28 37 unencumbered or unobligated at the close of the fiscal

28 38 year shall not revert but shall remain available for

28 39 expenditure for the purposes designated until the close

28 40 of the succeeding fiscal year.

28 41 2. A public safety training and facilities task

28 42 force is established. The department of public safety

28 43 shall provide administrative support for the task

28 44 force.

28 45 3. The task force shall consist of the following

28 46 members:

28 47 a. One member appointed by the Iowa peace officers

28 48 association.

28 49 b. One member appointed by the Iowa state sheriff's

28 50 and deputies association.

29 1 c. One member appointed by the Iowa police chiefs

29 2 association.

29 3 d. One member who is a fire chief appointed by the

29 4 Iowa fire chiefs association.

29 5 e. One member who is a fire chief appointed by the

29 6 Iowa professional fire chiefs association.

29 7 f. One member who is the chief of the Iowa fire

29 8 service training bureau or the chief's designee.

29 9 g. Two members who are representatives of the fire

29 10 service appointed by the Iowa firefighters association.

29 11 h. The administrative head of the homeland security

29 12 and emergency management division of the department

29 13 of public defense, or its successor agency, or the

29 14 administrative head's designee.

29 15 i. The adjutant general of the department of public

29 16 defense or the adjutant general's designee.

29 17 j. The director of the Iowa law enforcement academy

29 18 or the director's designee.

29 19 k. The commissioner of public safety or the

29 20 commissioner's designee.

29 21 l. Two members who are appointed by the Iowa

29 22 professional firefighters.

29 23 m. The state fire marshal or the state fire

29 24 marshal's designee.

29 25 n. The director of the department of corrections or

29 26 the director's designee.

29 27 o. One member appointed by the chief of the bureau

29 28 of emergency medical services of the Iowa department

2016). The language also specifies the membership of the task force.
Requires nonreversion of funds through FY 2013.

29 29 of public health.
29 30 p. One member appointed by the Iowa emergency
29 31 medical services association.
29 32 q. One member appointed by the Iowa state police
29 33 association.
29 34 r. One member appointed by the state police
29 35 officers council who is representing peace officers
29 36 within the department of public safety.
29 37 s. One member appointed by the state police
29 38 officers council who is representing employees of the
29 39 department of natural resources.
29 40 t. One member who is the chief of the law
29 41 enforcement bureau of the department of natural
29 42 resources or the chief's designee.
29 43 u. One member appointed by the governor who
29 44 is a public member who has no personal interest
29 45 or occupational responsibilities in the area of
29 46 responsibility given to the task force and represents
29 47 the interests of the public in general.
29 48 v. One member appointed by the collective
29 49 bargaining unit that represents the largest number of
29 50 employees in the department of corrections.
30 1 w. One member appointed by the collective
30 2 bargaining unit that represents the largest number of
30 3 jailers and dispatchers in this state.
30 4 x. One member appointed by the Iowa association of
30 5 community college presidents.
30 6 y. One member who is an employee of the state
30 7 department of transportation serving in a law
30 8 enforcement capacity appointed by the director of
30 9 transportation.
30 10 4. The members of the task force shall select
30 11 one chairperson and one vice chairperson. The vice
30 12 chairperson shall preside in the absence of the
30 13 chairperson. Section 69.16A shall apply to the
30 14 appointed members of the task force.
30 15 5. The task force shall consider and develop
30 16 strategies relating to public safety training
30 17 facility governance with the goal of all public safety
30 18 disciplines being represented. Each public safety
30 19 discipline shall advise the task force by developing
30 20 individual training policies as determined by the
30 21 discipline's governing bodies. The task force shall
30 22 also develop a proposal for a joint public safety
30 23 training facility, a budget for construction and future
30 24 operation of this facility, and potential locations,

30 25 that are centrally located in this state, for the
 30 26 facility.
 30 27 6. a. The task force shall provide interim reports
 30 28 to the general assembly by December 31 of each year
 30 29 concerning the activities of the task force and shall
 30 30 submit its final report, including its findings and
 30 31 recommendations, to the general assembly by December
 30 32 31, 2015.

30 33 b. The final report shall include but not be
 30 34 limited to recommendations concerning the following:
 30 35 (1) Consolidation of public safety governance
 30 36 within a single board and the membership of the board.
 30 37 (2) Development of a consolidated fire and police
 30 38 public safety training facility, including possible
 30 39 locations, building recommendations, and financing
 30 40 options.
 30 41 (3) Development of sustainable funding alternatives
 30 42 for public safety training and facilities.
 30 43 (4) Any other recommendations relating to public
 30 44 safety training and facilities requirements.

30 45 Sec. 92. WATERSHED IMPROVEMENT FUND —
 30 46 APPROPRIATION. There is appropriated from the general
 30 47 fund of the state to the department of agriculture and
 30 48 land stewardship for the fiscal year beginning July 1,
 30 49 2011, and ending June 30, 2012, the following amount,
 30 50 or so much thereof as is necessary, to be used for the
 31 1 purposes designated:
 31 2 For deposit in the watershed improvement fund
 31 3 created in section 466A.2:
 31 4 \$ 5,000,000
 31 5 Notwithstanding section 8.33, moneys appropriated in
 31 6 this section that remain unencumbered or unobligated
 31 7 at the close of the fiscal year shall not revert but
 31 8 shall remain available for expenditure for the purposes
 31 9 designated until the close of the succeeding fiscal
 31 10 year.

31 11 Sec. 93. BIOSCIENCE INITIATIVE — IOWA STATE
 31 12 UNIVERSITY — APPROPRIATION. There is appropriated
 31 13 from the general fund of the state to the state board
 31 14 of regents for the fiscal year beginning July 1, 2011,
 31 15 and ending June 30, 2012, the following amount, or
 31 16 so much thereof as is necessary, to be used for the
 31 17 purposes designated:
 31 18 For the bioscience initiative at Iowa state

General Fund FY 2012 supplemental appropriation of \$5,000,000 to the DALS for the Watershed Improvement Review Board (WIRB). The WIRB Board is administered by the DALS and approves projects to receive funding.

FISCAL IMPACT: The WIRB was established in FY 2006 and has received annual funding; however, no funding was appropriated for FY 2012. The Watershed Improvement Fund balance as of April 25, 2012, is \$4,360,431. These funds are obligated for project funding.

CODE: Requires nonreversion of funds through FY 2013.

General Fund appropriation to the Board of Regents for the Bioscience Initiative at Iowa State University (ISU).

DETAIL: This is a new appropriation. The Initiative will develop new kinds of value-added agricultural products and processes. The State appropriation will be used to leverage private investment. Requires nonreversion of funds through the end of FY 2013.

31 19 university of science and technology:
 31 20 \$ 5,500,000
 31 21 Notwithstanding section 8.33, moneys appropriated in
 31 22 this section that remain unencumbered or unobligated
 31 23 at the close of the fiscal year shall not revert but
 31 24 shall remain available for expenditure for the purposes
 31 25 designated until expended.
 31 26 Sec. 94. EFFECTIVE UPON ENACTMENT. This division
 31 27 of this Act, being deemed of immediate importance,
 31 28 takes effect upon enactment.

31 29 DIVISION V
 31 30 DEPARTMENT OF REVENUE

31 31 Sec. 95. Section 2.48, subsection 3, paragraph c,
 31 32 subparagraph (4), Code 2011, is amended by striking the
 31 33 subparagraph.

CODE: Repeals the disaster recovery housing tax credit from the list of tax credits to be reviewed by the Legislative Tax Expenditure Review Committee in 2013.

31 34 Sec. 96. Section 2.48, subsection 3, paragraph e,
 31 35 subparagraph (5), Code 2011, is amended by striking the
 31 36 subparagraph.

CODE: Repeals the assistive device tax credit from the list of tax credits to be reviewed by the Legislative Tax Expenditure Review Committee in 2015.

31 37 Sec. 97. Section 15.119, subsection 2, paragraph
 31 38 e, Code Supplement 2011, is amended by striking the
 31 39 paragraph.

CODE: Repeals the assistive device tax credit from the list of tax credits the Economic Development Authority (EDA) may allocate resources to under the annual aggregate tax credit cap (\$120,000,000).

31 40 Sec. 98. Section 422.15, subsection 2, Code 2011,
 31 41 is amended to read as follows:
 31 42 2. Every partnership, including limited
 31 43 partnerships organized under chapter 488, ~~having a~~
 31 44 ~~place of business in the state~~ doing business in this
 31 45 state or deriving income from sources within this state
 31 46 as defined in section 422.33, subsection 1, shall make
 31 47 a return, stating specifically the net income and
 31 48 capital gains ~~(or losses)~~ or losses reported on the
 31 49 federal partnership return, the names and addresses
 31 50 of the partners, and their respective shares in said
 32 1 amounts.

CODE: Requires that partnerships doing business in the State of Iowa or deriving income from sources within the State must file an Iowa partnership return.

DETAIL: This language is consistent with the filing requirements of corporations doing business in the State and will apply retroactively to January 1, 2012. This provision conforms current practices to the filing requirements of corporations, and is expected to have a minimal fiscal impact.

32 2 Sec. 99. Section 422.25, subsection 1, paragraph b,
 32 3 Code 2011, is amended to read as follows:
 32 4 b. The period for examination and determination of
 32 5 the correct amount of tax is unlimited in the case of
 32 6 a false or fraudulent return made with the intent to

CODE: Eliminates a requirement that notices of assessment mailed to taxpayers by the Department of Revenue after the twentieth day of the month also include an interest and penalty calculation for the next month.

32 7 evade tax or in the case of a failure to file a return.
 32 8 In lieu of the period of limitation for any prior year
 32 9 for which an overpayment of tax or an elimination or
 32 10 reduction of an underpayment of tax due for that prior
 32 11 year results from the carryback to that prior year of a
 32 12 net operating loss or net capital loss, the period is
 32 13 the period of limitation for the taxable year of the
 32 14 net operating loss or net capital loss which results
 32 15 in the carryback. If the tax found due is greater
 32 16 than the amount paid, the department shall compute
 32 17 the amount due, together with interest and penalties
 32 18 as provided in subsection 2, and shall mail a notice
 32 19 of assessment to the taxpayer and, if applicable, to
 32 20 the taxpayer's authorized representative of the total,
 32 21 which shall be computed as a sum certain if ~~paid on or~~
 32 22 ~~before, with interest computed to~~ the last day of the
 32 23 month in which the notice is dated, ~~or on or before the~~
 32 24 ~~last day of the following month if the notice is dated~~
 32 25 ~~after the twentieth day of any month. The notice shall~~
 32 26 ~~also inform the taxpayer of the additional interest and~~
 32 27 ~~penalty which will be added to the total due if not~~
 32 28 ~~paid on or before the last day of the applicable month.~~

32 29 Sec. 100. Section 422.33, subsections 9 and 27,
 32 30 Code Supplement 2011, are amended by striking the
 32 31 subsections.

32 32 Sec. 101. Section 423.37, subsection 2, Code 2011,
 32 33 is amended to read as follows:
 32 34 2. If a return required by this subchapter is
 32 35 not filed, or if a return when filed is incorrect or
 32 36 insufficient ~~and the maker fails to file a corrected~~
 32 37 ~~or sufficient return within twenty days after the~~
 32 38 ~~same is required by notice from the department,~~ the
 32 39 department shall determine the amount of tax due from
 32 40 information as the department may be able to obtain
 32 41 and, if necessary, may estimate the tax on the basis of
 32 42 external indices, such as number of employees of the
 32 43 person concerned, rentals paid by the person, stock
 32 44 on hand, or other factors. The determination may be
 32 45 made using any generally recognized valid and reliable
 32 46 sampling technique, whether or not the person being

DETAIL: This change is expected to have a minimal fiscal impact as the additional interest and penalty potentially owed is usually a minimal amount.

CODE: Repeals the assistive device tax credit and the disaster recovery housing tax credit from the list of available income tax credits.

FISCAL IMPACT: The assistive device tax credit and the disaster recovery housing tax credit are not currently being used and not expected to be used in the future. Repealing the credits will have no fiscal impact.

CODE: Eliminates a requirement that the Department of Revenue send a notice to filers of sales or use tax returns if the return is either incorrect or insufficient.

DETAIL: For late filers of sales and use tax returns, the Department of Revenue is authorized to determine the amount of tax due and send a notice of assessment to the person liable for the tax without sending a 20-day notice.

32 47 audited has complete records, as mutually agreed upon
 32 48 by the department and the taxpayer. The department
 32 49 shall give notice of the determination to the person
 32 50 liable for the tax. The determination shall fix the
 33 1 tax unless the person against whom it is assessed
 33 2 shall, within sixty days after the giving of notice of
 33 3 the determination, apply to the director for a hearing
 33 4 or unless the taxpayer contests the determination by
 33 5 paying the tax, interest, and penalty and timely filing
 33 6 a claim for refund. At the hearing, evidence may be
 33 7 offered to support the determination or to prove that
 33 8 it is incorrect. After the hearing the director shall
 33 9 give notice of the decision to the person liable for
 33 10 the tax.

33 11 Sec. 102. Section 424.10, subsection 2, paragraph
 33 12 a, Code Supplement 2011, is amended to read as follows:
 33 13 a. If a return required by this chapter is not
 33 14 filed, or if a return when filed is incorrect or
 33 15 insufficient ~~and the maker fails to file a corrected~~
 33 16 ~~or sufficient return within twenty days after the~~
 33 17 ~~return is required by notice from the department,~~
 33 18 the department shall determine the amount of charge
 33 19 due from information as the department may be able
 33 20 to obtain and, if necessary, may estimate the charge
 33 21 on the basis of external indices or factors. The
 33 22 department shall give notice of the determination to
 33 23 the person liable for the charge. The determination
 33 24 shall fix the charge unless the person against whom it
 33 25 is assessed shall, within sixty days after the date of
 33 26 the notice of the determination, apply to the director
 33 27 for a hearing or unless the person against whom it
 33 28 is assessed contests the determination by paying the
 33 29 charge, interest, and penalty and timely filing a claim
 33 30 for refund. At the hearing evidence may be offered
 33 31 to support the determination or to prove that it is
 33 32 incorrect. After the hearing the director shall give
 33 33 notice of the decision to the person liable for the
 33 34 charge.

33 35 Sec. 103. Section 427B.4, Code 2011, is amended to
 33 36 read as follows:
 33 37 427B.4 APPLICATION FOR EXEMPTION BY PROPERTY OWNER.
 33 38 1. a. An application shall be filed for each
 33 39 project resulting in actual value added for which
 33 40 an exemption is claimed. The first application

CODE: Eliminates a requirement that the Department of Revenue send a courtesy notice after 20 days to a taxpayer that has filed a sales or use tax return or who has paid an environmental protection charge that is either incorrect or insufficient.

DETAIL: There is no expected fiscal impact from these changes.

CODE: Allows applications for partial property tax exemptions (property tax abatements) to be filed no later than two assessment years after the project is completed. Current law requires the application to be filed no later than February 1 of the assessment year that the added value of the project is first assessed. The provision also changes where the application is filed. Currently, the application is filed with the

33 41 for exemption shall be filed by the owner of the
 33 42 property with the local assessor by February 1 of the
 33 43 assessment year ~~in which the value added is first~~
 33 44 ~~assessed for taxation~~ for which the exemption is first
 33 45 claimed, but not later than the year in which all
 33 46 improvements included in the project are first assessed
 33 47 for taxation, or the following two assessment years,
 33 48 in which case the exemption is allowed for the total
 33 49 number of years in the exemption schedule.
 33 50 b. Applications for exemption shall be made on
 34 1 forms prescribed by the director of revenue and shall
 34 2 contain information pertaining to the nature of the
 34 3 improvement, its cost, the estimated or actual date of
 34 4 completion, whether the exemption schedules described
 34 5 in section 427B.3 or an alternate schedule adopted
 34 6 pursuant to section 427B.1 will be elected, and any
 34 7 other information deemed necessary by the director of
 34 8 revenue.
 34 9 2. a. A person may submit a proposal to the city
 34 10 council of the city or the board of supervisors of
 34 11 a county to receive prior approval for eligibility
 34 12 for a tax exemption on new construction. The city
 34 13 council or the board of supervisors, by ordinance, may
 34 14 give its prior approval of a tax exemption for new
 34 15 construction if the new construction is in conformance
 34 16 with the zoning plans for the city or county. The
 34 17 prior approval shall also be subject to the hearing
 34 18 requirements of section 427B.1.
 34 19 b. Prior approval received under this subsection
 34 20 does not entitle the owner to exemption from taxation
 34 21 until the new construction has been completed and
 34 22 found to be qualified real estate. However, if the
 34 23 tax exemption for new construction is not approved,
 34 24 the person may submit an amended proposal to the city
 34 25 council or board of supervisors to approve or reject.

34 26 Sec. 104. REPEAL. Sections 16.211, 16.212, and
 34 27 422.11X, Code 2011, are repealed.

34 28 Sec. 105. RETROACTIVE APPLICABILITY. The following
 34 29 provision or provisions of this division of this Act
 34 30 apply retroactively to January 1, 2012, for tax years
 34 31 beginning on or after that date:
 34 32 1. The section of this division of this Act

local assessor. This provision requires the application to be filed with
 the governing board of the city or county.

CODE: Repeals the disaster recovery housing tax credit.

FISCAL IMPACT: The disaster recovery housing tax credit has never
 been utilized. Repeal of the credit has no fiscal impact.

The Section related to the filing of partnership returns is effective on
 enactment and retroactive to January 1, 2012.

34 33 amending section 422.15, subsection 2.

34 34 Sec. 106. RETROACTIVE APPLICABILITY. The following
 34 35 provision or provisions of this division of this Act
 34 36 apply retroactively to January 1, 2012, for assessment
 34 37 years beginning on or after that date:
 34 38 1. The section of this division of this Act
 34 39 amending section 427B.4.

34 40 DIVISION VI
 34 41 TIME SERVED

34 42 Sec. 107. Section 907.3, subsection 3, unnumbered
 34 43 paragraph 1, Code Supplement 2011, is amended to read
 34 44 as follows:

34 45 By record entry at the time of or after sentencing,
 34 46 the court may suspend the sentence and place the
 34 47 defendant on probation upon such terms and conditions
 34 48 as it may require including commitment to an alternate
 34 49 jail facility or a community correctional residential
 34 50 treatment facility to be followed by a period of
 35 1 probation as specified in section 907.7, or commitment
 35 2 of the defendant to the judicial district department
 35 3 of correctional services for supervision or services
 35 4 under section 901B.1 at the level of sanctions which
 35 5 the district department determines to be appropriate
 35 6 and the payment of fees imposed under section 905.14.
 35 7 A person so committed who has probation revoked shall
 35 8 not be given credit for such time served. However, ~~the~~
 35 9 a person committed to an alternate jail facility or a
 35 10 community correctional residential treatment facility
 35 11 who has probation revoked shall be given credit for
 35 12 time served in the facility. The court shall not
 35 13 suspend any of the following sentences:

35 14 Sec. 108. APPLICABILITY AND WAIVER OF RIGHTS. A
 35 15 person who commits an offense prior to the effective
 35 16 date of this division of this Act may expressly state
 35 17 to the court, at the time of sentencing, that the
 35 18 person waives any rights under *Anderson v.State*, 801
 35 19 N.W.2d 1, relating to the calculation of credit for
 35 20 time served, and agree to be sentenced using credits
 35 21 as calculated under section 907.3, as amended by this
 35 22 division of this Act. If the court finds the waiver
 35 23 voluntary, the sentencing order shall reference the
 35 24 person's waiver of rights under *Anderson*, and order
 35 25 that credit for time served be calculated under section

The Section related to applications for partial property tax exemptions is effective on enactment and retroactive to January 1, 2012.

CODE: Specifies that offenders revoked from probation receive credit for time served while in an alternate jail facility or community corrections facility. Permits a person that commits an offense before the effective date of this Bill to waive any rights under the *Anderson* case, and agree to be sentenced using credits as calculated under this Bill.

CORRECTIONAL IMPACT: The *Anderson* ruling reduced the length of stay in the prison system for certain offenders. Therefore, this Division will increase the length of stay in prison, by reversing the *Anderson* ruling.

MINORITY IMPACT: It is anticipated this Division will have a disproportionate impact on minorities because they will remain in the prison system longer than they are under current practices.

FISCAL IMPACT: The fiscal impact of the *Anderson* ruling is \$766,000 in net cost avoidance for FY 2012, primarily due to a reduction in the average length of stay in the prison system. This Division reduces that amount by approximately \$21,000 in FY 2012. The fiscal impact of the *Anderson* ruling is estimated to be \$212,500 in cost avoidance in FY 2013. This Division reverses the *Anderson* ruling effective on enactment. Therefore, \$212,500 in cost avoidance will not be achieved in FY 2013.

35 26 907.3, as amended by this division of this Act.
 35 27 Sec. 109. EFFECTIVE UPON ENACTMENT. This division
 35 28 of this Act, being deemed of immediate importance,
 35 29 takes effect upon enactment.

35 30 DIVISION VII
 35 31 COUNTY TREASURERS

35 32 Sec. 110. Section 161A.35, unnumbered paragraph 1,
 35 33 Code 2011, is amended to read as follows:
 35 34 If the owner of any premises against which a levy
 35 35 exceeding ~~one~~ five hundred dollars has been made and
 35 36 certified shall, within thirty days from the date of
 35 37 such levy, agree in writing in a separate agreement,
 35 38 that in consideration of having a right to pay the
 35 39 owner's assessment in installments, the owner will not
 35 40 make any objection as to the legality of the assessment
 35 41 for benefit, or the levy of the taxes against the
 35 42 owner's property, then such owner shall have the
 35 43 following options:

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision applies to property improvements made for watershed or flood protection.

35 44 Sec. 111. Section 311.17, subsection 1, Code 2011,
 35 45 is amended to read as follows:
 35 46 1. If an owner other than the state or a county or
 35 47 city, of any tracts of land on which the assessment
 35 48 is more than ~~one~~ five hundred dollars, shall, within
 35 49 twenty days from the date of the assessment, agree in
 35 50 writing filed in the office of the county auditor,
 36 1 that in consideration of the owner having the right
 36 2 to pay the assessment in installments, the owner will
 36 3 not make any objection of illegality or irregularity
 36 4 as to the assessment upon the real estate, and will
 36 5 pay the assessment plus interest, the assessment
 36 6 shall be payable in ten equal installments. The
 36 7 first installment shall be payable on the date of
 36 8 the agreement. The other installments shall be paid
 36 9 annually at the same time and in the same manner
 36 10 as the September semiannual payment of ordinary
 36 11 taxes with interest accruing as provided in section
 36 12 384.65, subsection 3. The rate of interest shall be
 36 13 as established by the board, but not exceeding that
 36 14 permitted by chapter 74A.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to secondary road assessments.

36 15 Sec. 112. Section 311.19, unnumbered paragraph 1,
 36 16 Code 2011, is amended to read as follows:
 36 17 Assessments of ~~one~~ five hundred dollars or less
 36 18 against any tract of land, and assessments against

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to secondary road assessments.

36 19 lands owned by the state, county, or city, shall be
 36 20 due and payable from the date of levy by the board of
 36 21 supervisors, or in the case of any appeal, from the
 36 22 date of final confirmation of the levy by the court.

36 23 Sec. 113. Section 331.384, subsection 3, Code 2011,
 36 24 is amended to read as follows:

36 25 3. If any amount assessed against property under
 36 26 this section exceeds ~~one~~ five hundred dollars, a county
 36 27 may permit the assessment to be paid in up to ten
 36 28 annual installments in the same manner and with the
 36 29 same interest rates provided for assessments against
 36 30 benefited property under chapter 384, division IV.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to the abatement of public health and safety hazards.

36 31 Sec. 114. Section 357.20, Code 2011, is amended to
 36 32 read as follows:

36 33 357.20 DUE DATE — BONDS.

36 34 Assessments of ~~less than one~~ five hundred dollars
 36 35 or less will come due at the first taxpaying date
 36 36 after the approval of the final assessment, and
 36 37 assessments of ~~one hundred dollars or more~~ than five
 36 38 hundred dollars may be paid in ten annual installments
 36 39 with interest on the unpaid balance at a rate not
 36 40 exceeding that permitted by chapter 74A. The board of
 36 41 supervisors shall issue bonds against the completed
 36 42 assessment in an amount equal to the total cost of the
 36 43 project, so that the amount of the assessment will be
 36 44 approximately ten percent greater than the amount of
 36 45 the bonds.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to property within a water district.

36 46 Sec. 115. Section 358.16, subsection 3, Code 2011,
 36 47 is amended to read as follows:

36 48 3. If any amount assessed against property pursuant
 36 49 to this section will exceed ~~one~~ five hundred dollars,
 36 50 the board of trustees may permit the assessment to be
 37 1 paid in up to ten annual installments, in the manner
 37 2 and with the same interest rates as provided for
 37 3 assessments against benefited property under chapter
 37 4 384, division IV.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to property within a sanitary district.

37 5 Sec. 116. Section 364.13, Code 2011, is amended to
 37 6 read as follows:

37 7 364.13 INSTALLMENTS.

37 8 If any amount assessed against property under
 37 9 section 364.12 will exceed ~~one~~ five hundred dollars, a
 37 10 city may permit the assessment to be paid in up to ten
 37 11 annual installments, in the same manner and with the

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to certain properties within a city.

37 12 same interest rates provided for assessments against
37 13 benefited property under chapter 384, division IV.

37 14 Sec. 117. Section 384.60, subsection 1, paragraph
37 15 b, Code 2011, is amended to read as follows:

37 16 b. State the number of annual installments, not
37 17 exceeding fifteen, into which assessments of ~~one more~~
37 18 than five hundred dollars ~~or more~~ are divided.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to certain properties within a city.

37 19 Sec. 118. Section 384.65, subsection 1, Code 2011,
37 20 is amended to read as follows:

37 21 1. The first installment of each assessment, or
37 22 the total amount if ~~less than one five~~ hundred dollars
37 23 or less, is due and payable on July 1 next succeeding
37 24 the date of the levy, unless the assessment is filed
37 25 with the county treasurer after May 31 in any year.
37 26 The first installment shall bear interest on the
37 27 whole unpaid assessment from the date of acceptance of
37 28 the work by the council to the first day of December
37 29 following the due date.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to certain properties within a city.

37 30 Sec. 119. Section 435.24, subsection 6, paragraph
37 31 b, Code 2011, is amended to read as follows:

37 32 b. Partial payment of taxes which are delinquent
37 33 may be made to the county treasurer. For the
37 34 installment being paid, payment shall first be applied
37 35 toward any interest, fees, and costs accrued and the
37 36 remainder applied to the tax due. A partial payment
37 37 must equal or exceed the interest, fees, and costs of
37 38 the installment being paid. A partial payment made
37 39 under this paragraph shall be apportioned in accordance
37 40 with section 445.57, however, such partial payment
37 41 may, at the discretion of the county treasurer, be
37 42 apportioned either on or before the tenth day of the
37 43 month following the receipt of the partial payment
37 44 or on or before the tenth day of the month following
37 45 the due date of the next semiannual tax installment.
37 46 If the payment does not include the whole of any
37 47 installment of the delinquent tax, the unpaid tax
37 48 shall continue to accrue interest pursuant to section
37 49 445.39. Partial payment shall not be permitted in lieu
37 50 of redemption if the property has been sold for taxes
38 1 under chapter 446 and under any circumstances shall not
38 2 constitute an extension of the time period for a sale
38 3 under chapter 446.

CODE: Permits a county treasurer to apportion partial payment of delinquent taxes to the various local taxing entities either on a monthly basis after such amounts are collected or following the due date of the next semiannual tax installment.

38 4 Sec. 120. Section 445.36A, subsection 2, Code 2011,

CODE: This Section prohibits installment payments of property tax

38 5 is amended to read as follows:

38 6 2. Partial payment of taxes which are delinquent
 38 7 may be made to the county treasurer. For the
 38 8 installment being paid, payment shall first be applied
 38 9 to any interest, fees, and costs accrued and the
 38 10 remainder applied to the taxes due. A partial payment
 38 11 must equal or exceed the amount of interest, fees, and
 38 12 costs of the installment being paid. A partial payment
 38 13 made under this subsection shall be apportioned in
 38 14 accordance with section 445.57, however, such partial
 38 15 payment may, at the discretion of the county treasurer,
 38 16 be apportioned either on or before the tenth day of
 38 17 the month following the receipt of the partial payment
 38 18 or on or before the tenth day of the month following
 38 19 the due date of the next semiannual tax installment.
 38 20 If the payment does not include the whole of any
 38 21 installment of the delinquent tax, the unpaid tax
 38 22 shall continue to accrue interest pursuant to section
 38 23 445.39. Partial payment shall not be permitted in lieu
 38 24 of redemption if the property has been sold for taxes
 38 25 under chapter 446 and under any circumstances shall not
 38 26 constitute an extension of the time period for a sale
 38 27 under chapter 446.

assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to property within a levee and drainage district.

38 28 Sec. 121. Section 445.57, unnumbered paragraph 1,
 38 29 Code 2011, is amended to read as follows:

38 30 On or before the tenth day of each month, the county
 38 31 treasurer shall apportion all taxes collected during
 38 32 the preceding month, except partial payment amounts
 38 33 collected pursuant to section 445.36A, subsection 1 and,
 38 34 partial payments collected and not yet designated
 38 35 by the county treasurer for apportionment pursuant
 38 36 to section 445.36A, subsection 2, partial payments
 38 37 collected pursuant to section 435.24, subsection
 38 38 6, paragraph "a", and partial payments collected
 38 39 and not yet designated by the county treasurer for
 38 40 apportionment pursuant to section 435.24, subsection
 38 41 6, paragraph "b", among the several funds to which they
 38 42 belong according to the amount levied for each fund,
 38 43 and shall apportion the interest, fees, and costs on
 38 44 the taxes to the general fund, and shall enter those
 38 45 amounts upon the treasurer's cash account, and report
 38 46 the amounts to the county auditor.

CODE: Permits exceptions for partial payments made in the previous two Sections of this Bill.

38 47 Sec. 122. Section 446.32, Code 2011, is amended to
 38 48 read as follows:

CODE: Allows the purchaser of a tax sale to pay the delinquent tax beginning one month and 14 days following the date an installment

38 49 446.32 PAYMENT OF SUBSEQUENT TAXES BY PURCHASER.

becomes delinquent.

38 50 The county treasurer shall provide to the purchaser
39 1 of a parcel sold at tax sale a receipt for the total
39 2 amount paid by the purchaser after the date of purchase
39 3 for a subsequent year. Taxes for a subsequent year
39 4 may be paid by the purchaser beginning one month
39 5 and fourteen days following the date from which an
39 6 installment becomes delinquent as provided in section
39 7 445.37. Notwithstanding any provision to the contrary,
39 8 a subsequent payment must be received and recorded
39 9 by the treasurer in the county system no later than
39 10 ~~five 5:00~~ p.m.on the last business day of the month
39 11 for interest for that month to accrue and be added
39 12 to the amount due under section 447.1. However, the
39 13 treasurer may establish a deadline for receipt of
39 14 subsequent payments that is other than ~~five 5:00~~ p.m.
39 15 on the last business day of the month to allow for
39 16 timely processing of the subsequent payments. Late
39 17 interest shall be calculated through the date that the
39 18 subsequent payment is recorded by the treasurer in
39 19 the county system. In no instance shall the date of
39 20 postmark of a subsequent payment be used by a treasurer
39 21 either to calculate interest or to determine whether
39 22 interest shall accrue on the subsequent payment.

39 23 Sec. 123. Section 468.57, subsection 1, Code
39 24 Supplement 2011, is amended to read as follows:
39 25 1. If the owner of any land against which a levy
39 26 exceeding ~~one five~~ hundred dollars has been made and
39 27 certified shall, within thirty days from the date
39 28 of such levy, agree in writing endorsed upon any
39 29 improvement certificate referred to in section 468.70,
39 30 or in a separate agreement, that in consideration
39 31 of having a right to pay the owner's assessment in
39 32 installments, the owner will not make any objection as
39 33 to the legality of the assessment for benefit, or the
39 34 levy of the taxes against the property, then such owner
39 35 shall have the following options:
39 36 a. To pay one-third of the amount of the assessment
39 37 at the time of filing the agreement; one-third within
39 38 twenty days after the engineer in charge certifies to
39 39 the auditor that the improvement is one-half completed;
39 40 and the remaining one-third within twenty days after
39 41 the improvement has been completed and accepted by the
39 42 board. All installments shall be without interest if
39 43 paid at said times, otherwise the assessments shall

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. Assessments less than \$500 are to be paid on July 1 succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year.

39 44 bear interest from the date of the levy at a rate
39 45 determined by the board notwithstanding chapter 74A,
39 46 payable annually, and be collected as other taxes on
39 47 real estate, with like interest for delinquency.

39 48 b. To pay the assessments in not less than ten nor
39 49 more than twenty equal installments, with the number
39 50 of payments and interest rate determined by the board,
40 1 notwithstanding chapter 74A. The first installment
40 2 of each assessment, or the total amount if ~~less than~~
40 3 ~~one five~~ hundred dollars or less, is due and payable
40 4 on July 1 next succeeding the date of the levy, unless
40 5 the assessment is filed with the county treasurer
40 6 after May 31 in any year. The first installment shall
40 7 bear interest on the whole unpaid assessment from the
40 8 date of the levy as set by the board to the first day
40 9 of December following the due date. The succeeding
40 10 annual installments, with interest on the whole unpaid
40 11 amount, to the first day of December following the due
40 12 date, are respectively due on July 1 annually, and must
40 13 be paid at the same time and in the same manner as
40 14 the first semiannual payment of ordinary taxes. All
40 15 future installments of an assessment may be paid on
40 16 any date by payment of the then outstanding balance
40 17 plus interest to the next December 1, or additional
40 18 annual installments may be paid after the current
40 19 installment has been paid before December 1 without
40 20 interest. A payment must be for the full amount of
40 21 the next installment. If installments remain to be
40 22 paid, the next annual installment with interest added
40 23 to December 1 will be due. After December 1, if a
40 24 drainage assessment is not delinquent, a property owner
40 25 may pay one-half or all of the next annual installment
40 26 of principal and interest of a drainage assessment
40 27 prior to the delinquency date of the installment.
40 28 When the next installment has been paid in full,
40 29 successive principal installments may be prepaid.
40 30 The county treasurer shall accept the payments of the
40 31 drainage assessment, and shall credit the next annual
40 32 installment or future installments of the drainage
40 33 assessment to the extent of the payment or payments,
40 34 and shall remit the payments to the drainage fund. If
40 35 a property owner elects to pay one or more principal
40 36 installments in advance, the pay schedule shall be
40 37 advanced by the number of principal installments
40 38 prepaid. Each installment of an assessment with
40 39 interest on the unpaid balance is delinquent from

40 40 October 1 after its due date. However, when the last
 40 41 day of September is a Saturday or Sunday, that amount
 40 42 shall be delinquent from the second business day of
 40 43 October. Taxes assessed pursuant to this chapter
 40 44 which become delinquent shall bear the same delinquent
 40 45 interest as ordinary taxes. When collected, the
 40 46 interest must be credited to the same drainage fund as
 40 47 the drainage special assessment.

40 48 DIVISION VIII
 40 49 BOARDS AND COMMISSIONS

40 50 Sec. 124. Section 28B.1, subsection 1, unnumbered
 41 1 paragraph 1, Code 2011, is amended to read as follows:
 41 2 ~~The~~ In accordance with a resolution adopted for
 41 3 this purpose by the legislative council, an Iowa
 41 4 commission on interstate cooperation ~~is hereby~~
 41 5 established shall be appointed to address the charge
 41 6 and other responsibilities for the commission outlined
 41 7 in the resolution. # ~~The commission~~ shall consist of
 41 8 thirteen members to be appointed as follows:

CODE: Requires an Iowa Commission on Interstate Cooperation to be appointed upon resolution by the Executive Council to address the charge and responsibilities outlined in the resolution.

41 9 Sec. 125. Section 28B.4, Code 2011, is amended to
 41 10 read as follows:
 41 11 28B.4 REPORT.
 41 12 1. The commission shall report to the governor
 41 13 ~~and to the legislature within fifteen days after the~~
 41 14 ~~convening of each general assembly~~ general assembly in
 41 15 accordance with the commission's charge, and at may
 41 16 report at other times as ~~it deems~~ deemed appropriate by
 41 17 the commission.
 41 18 2. ~~Its~~ The commission's members and the members of
 41 19 all committees which it establishes shall be reimbursed
 41 20 for their travel and other necessary expenses in
 41 21 carrying out their obligations under this chapter
 41 22 and legislative members shall be paid a per diem
 41 23 ~~as specified in section 7E-6~~ for each day in which
 41 24 engaged in the performance of their duties, the per
 41 25 diem and legislators' expenses to be paid from funds
 41 26 appropriated by sections 2.10 and 2.12. Expenses of
 41 27 administrative officers, state officials, or state
 41 28 employees who are members of the Iowa commission on
 41 29 interstate cooperation or a committee appointed by the
 41 30 commission shall be paid from funds appropriated to the
 41 31 agencies or departments which persons represent except
 41 32 as may otherwise be provided by the general assembly.

CODE: Changes the reporting submission requirement for the Commission on Interstate Cooperation from 15 days after the General Assembly convenes to instead reference direction articulated in the Executive Council's charge to the Commission. A technical Iowa Code reference change is also included concerning per diem payments.

41 33 Expenses of citizen members who may be appointed to
 41 34 committees of the commission may be paid from funds as
 41 35 authorized by the general assembly. Expenses of the
 41 36 secretary or employees of the secretary and support
 41 37 services in connection with the administration of the
 41 38 commission shall be paid from funds appropriated to the
 41 39 legislative services agency unless otherwise provided
 41 40 by the general assembly. Expenses of commission
 41 41 members shall be paid upon approval of the chairperson
 41 42 or the secretary of the commission.

41 43 Sec. 126. Section 216A.132, subsection 1, paragraph
 41 44 c, Code 2011, is amended to read as follows:
 41 45 c. (1) The chief justice of the supreme court
 41 46 shall designate one member who is a district judge and
 41 47 one member who is either a district associate judge or
 41 48 associate juvenile judge. ~~The chairperson and ranking~~
 41 49 ~~member of the senate committee on judiciary shall be~~
 41 50 ~~members. In alternating four-year intervals, the~~
 42 1 ~~chairperson and ranking member of the house committee~~
 42 2 ~~on judiciary or of the house committee on public~~
 42 3 ~~safety shall be members, with the chairperson and~~
 42 4 ~~ranking member of the house committee on public safety~~
 42 5 ~~-serving during the initial interval. Nonlegislative~~
 42 6 The members appointed pursuant to this paragraph
 42 7 subparagraph shall serve as ex officio, nonvoting
 42 8 members for four-year terms beginning and ending as
 42 9 provided in section 69.19, unless the member ceases to
 42 10 serve as a district court judge.
 42 11 (2) The chairperson and ranking member of the
 42 12 senate committee on judiciary shall be ex officio,
 42 13 nonvoting members. In alternating two-year terms,
 42 14 beginning and ending as provided in section 69.16B, the
 42 15 chairperson and ranking member of the house committee
 42 16 on judiciary or of the house committee on public
 42 17 safety shall be ex officio, nonvoting members, with the
 42 18 chairperson and ranking member of the house committee
 42 19 on public safety serving during the term beginning in
 42 20 January 2011.
 42 21 Sec. 127. REPEAL. Section 249A.36, Code 2011, is
 42 22 repealed.

CODE: Requires the Chief Justice of the Supreme Court to designate district, district associate, and associate juvenile judges as ex officio, nonvoting members of the Juvenile Justice Planning Advisory Council. Designates the Chairpersons and Ranking Members of the Senate and House Judiciary Committees as ex officio, nonvoting members of the Juvenile Justice Planning Advisory Council.

42 23 DIVISION IX
 42 24 ALLOWABLE GROWTH

42 25 Sec. 128. Section 257.8, subsection 1, Code

CODE: Establishes the FY 2014 regular school aid allowable growth

42 26 Supplement 2011, is amended to read as follows:

42 27 1. STATE PERCENT OF GROWTH.—~~The state percent of~~
42 28 ~~growth for the budget year beginning July 1, 2010,~~
42 29 ~~is two percent.~~ The state percent of growth for the
42 30 budget year beginning July 1, 2012, is two percent.
42 31 The state percent of growth for the budget year
42 32 beginning July 1, 2013, is four percent. The state
42 33 percent of growth for each subsequent budget year shall
42 34 be established by statute which shall be enacted within
42 35 thirty days of the submission in the year preceding the
42 36 base year of the governor's budget under section 8.21.
42 37 The establishment of the state percent of growth for
42 38 a budget year shall be the only subject matter of the
42 39 bill which enacts the state percent of growth for a
42 40 budget year.

42 41 Sec. 129. Section 257.8, subsection 2, Code
42 42 Supplement 2011, is amended to read as follows:

42 43 2. CATEGORICAL STATE PERCENT OF GROWTH.—~~The~~
42 44 ~~categorical state percent of growth for the budget~~
42 45 ~~year beginning July 1, 2010, is two percent.~~ The
42 46 categorical state percent of growth for the budget
42 47 year beginning July 1, 2012, is two percent. The
42 48 categorical state percent of growth for the budget
42 49 year beginning July 1, 2013, is four percent. The
42 50 categorical state percent of growth for each budget
43 1 year shall be established by statute which shall
43 2 be enacted within thirty days of the submission in
43 3 the year preceding the base year of the governor's
43 4 budget under section 8.21. The establishment of the
43 5 categorical state percent of growth for a budget year
43 6 shall be the only subject matter of the bill which
43 7 enacts the categorical state percent of growth for a
43 8 budget year. The categorical state percent of growth
43 9 may include state percents of growth for the teacher
43 10 salary supplement, the professional development
43 11 supplement, and the early intervention supplement.

43 12 Sec. 130. EFFECTIVE UPON ENACTMENT. This division
43 13 of this Act, being deemed of immediate importance,
43 14 takes effect upon enactment.

43 15 Sec. 131. APPLICABILITY. This division of this Act
43 16 is applicable for computing state aid under the state
43 17 school foundation program for the school budget year
43 18 beginning July 1, 2013.

43 19 Sec. 132. CODE SECTION 257.8 — IMPLEMENTATION.
43 20 The requirements of section 257.8 regarding the
43 21 enactment of the regular program state percent of

rate and each of the FY 2014 State categorical supplement allowable growth rates at 4.00%.

This Division is effective on enactment and applies to the FY 2014 school budget year. Specifies that the requirements of establishing the allowable growth rates within 30 days of the Governor's budget submission and that the subject matter of each bill establishing the allowable growth rates be the only subject matter in the bill do not apply to this Division.

DETAIL: The FY 2014 allowable growth rates will be applied to each of the FY 2013 State cost per pupil amounts to establish the FY 2014 State cost per pupil, district cost per pupil, and Area Education Agency (AEA) cost per pupil amounts.

FISCAL IMPACT: The following provides the estimated fiscal impact for FY 2014:

- An increase of State aid for regular school aid of \$122,500,000.
- An increase of State aid for the Statewide Voluntary Preschool Program of \$5,500,000.
- An increase of State aid for the State categorical supplements of \$14,600,000.
- The total estimated General Fund expenditure increase for State school aid is estimated at \$142,600,000 for FY 2014.
- The estimated increase in school aid property taxes is \$59,000,000.
- The estimated increase in the combined district cost is \$196,200,000.

43 22 growth and categorical state percent of growth within
 43 23 thirty days of the submission in the year preceding the
 43 24 base year of the governor's budget and the requirements
 43 25 that the subject matter of each bill establishing
 43 26 the state percent of growth or the categorical state
 43 27 percent of growth be the only subject matter of the
 43 28 bill do not apply to this division of this Act.

43 29 DIVISION X
 43 30 CITY FRANCHISE FEES

43 31 Sec. 133. Section 364.2, subsection 4, paragraph f,
 43 32 Code 2011, is amended to read as follows:
 43 33 f. (1) (a) A franchise fee assessed by a city may
 43 34 be based upon a percentage of gross revenues generated
 43 35 from sales of the franchisee within the city not to
 43 36 exceed five percent, except as provided in subparagraph
 43 37 division (b), without regard to the city's cost of
 43 38 inspecting, supervising, and otherwise regulating the
 43 39 franchise.
 43 40 (b) For franchise fees assessed and collected
 43 41 during fiscal years beginning on or after July 1,
 43 42 2012, but before July 1, 2030, by a city that is the
 43 43 subject of a judgment, court-approved settlement, or
 43 44 court-approved compromise providing for payment of
 43 45 restitution, a refund, or a return described in section
 43 46 384.3A, subsection 3, paragraph "j", the rate of the
 43 47 franchise fee shall not exceed seven and one-half
 43 48 percent of gross revenues generated from sales of the
 43 49 franchisee in the city, and franchise fee amounts
 43 50 assessed and collected during such fiscal years in
 44 1 excess of five percent of gross revenues generated
 44 2 from sales shall be used solely for the purpose
 44 3 specified in section 384.3A, subsection 3, paragraph
 44 4 "j". A city may assess and collect a franchise fee
 44 5 in excess of five percent of gross revenues generated
 44 6 from the sales of the franchisee pursuant to this
 44 7 subparagraph division (b) for a period not to exceed
 44 8 seven consecutive fiscal years once the franchise fee
 44 9 is first imposed at a rate in excess of five percent.
 44 10 This subparagraph division is repealed July 1, 2030.
 44 11 (2) Franchise fees collected pursuant to an
 44 12 ordinance in effect on May 26, 2009, shall be deposited
 44 13 in the city's general fund and such fees collected in
 44 14 excess of the amounts necessary to inspect, supervise,
 44 15 and otherwise regulate the franchise may be used by

CODE: Allows a city that is subject to a judgment, court-approved settlement, court-approved compromise, refund, or other required return of previously collected franchise fee revenue to impose a franchise fee at the rate of up to 7.50% for any seven-year time period beginning July 1, 2012, through June 30, 2030.

DETAIL: This provision will allow certain cities to institute or increase a franchise fee with a maximum rate of 7.50%. The current maximum rate is 5.00%. To be eligible to institute a rate above 5.00%, the city must be subject to a judgment, court-approved settlement or other repayment agreement involving the previous collection of franchise fees in excess of what was allowed. The revenue generated from a rate above 5.00% must be used solely for the payment of the judgment or court-approved settlement.

This Division is effective on enactment.

FISCAL IMPACT: The fiscal impact of this Division is unknown. At least one city is currently required to return previously collected franchise fee revenue. If this additional franchise fee is not enacted, the impacted city or cities will have to utilize a different revenue source for repayment of the excess franchise tax.

44 16 the city for any other purpose authorized by law.
44 17 Franchise fees collected pursuant to an ordinance
44 18 that is adopted or amended on or after May 26, 2009,
44 19 to increase the percentage rate at which franchise
44 20 fees are assessed shall be credited to the franchise
44 21 fee account within the city's general fund and used
44 22 pursuant to section 384.3A. If a city franchise fee
44 23 is assessed to customers of a franchise, the fee shall
44 24 not be assessed to the city as a customer. Before a
44 25 city adopts or amends a franchise fee rate ordinance
44 26 or franchise ordinance to increase the percentage
44 27 rate at which franchise fees are assessed, a revenue
44 28 purpose statement shall be prepared specifying the
44 29 purpose or purposes for which the revenue collected
44 30 from the increased rate will be expended. If property
44 31 tax relief is listed as a purpose, the revenue purpose
44 32 statement shall also include information regarding the
44 33 amount of the property tax relief to be provided with
44 34 revenue collected from the increased rate. The revenue
44 35 purpose statement shall be published as provided in
44 36 section 362.3.

44 37 Sec. 134. Section 384.3A, subsection 3, Code 2011,
44 38 is amended by adding the following new paragraph:
44 39 NEW PARAGRAPH j. For franchise fees assessed
44 40 and collected by a city in excess of five percent of
44 41 gross revenues generated from sales of the franchisee
44 42 within the city pursuant to section 364.2, subsection
44 43 4, paragraph "f", subparagraph (1), subparagraph
44 44 division (b), during fiscal years beginning on or after
44 45 July 1, 2012, but before July 1, 2030, the adjustment,
44 46 renewing, or extension of any part or all of the legal
44 47 indebtedness of a city, whether evidenced by bonds,
44 48 warrants, court-approved settlements, court-approved
44 49 compromises, or judgments, or the funding or refunding
44 50 of the same, if such legal indebtedness relates to
45 1 restitution, a refund, or a return ordered by a court
45 2 of competent jurisdiction for franchise fees assessed
45 3 and collected by the city before the effective date of
45 4 this division of this Act. This paragraph is repealed
45 5 July 1, 2030.

45 6 Sec. 135. EFFECTIVE UPON ENACTMENT. This division
45 7 of this Act, being deemed of immediate importance,
45 8 takes effect upon enactment.

45 11 Sec. 136. Section 514J.102, subsections 1 and 10,
45 12 Code Supplement 2011, are amended to read as follows:
45 13 1. "Adverse determination" means a determination
45 14 by a health carrier that an admission, availability
45 15 of care, continued stay, or other health care service
45 16 that is a covered benefit has been reviewed and,
45 17 based upon the information provided, does not meet the
45 18 health carrier's requirements for medical necessity,
45 19 appropriateness, health care setting, level of
45 20 care, or effectiveness, and the requested service or
45 21 payment for the service is therefore denied, reduced,
45 22 or terminated. "Adverse determination" includes a
45 23 denial of coverage for a dental care service that is
45 24 a covered benefit that has been reviewed and, based
45 25 upon the information provided, does not meet the health
45 26 carrier's requirements for medical necessity, and
45 27 the requested service or payment for the dental care
45 28 service is therefore denied, reduced, or terminated.
45 29 in whole or in part. "Adverse determination" does not
45 30 include a denial of coverage for a service or treatment
45 31 specifically listed in plan or evidence of coverage
45 32 documents as excluded from coverage.
45 33 10. "Covered benefits" or "benefits" means those
45 34 health care services and dental care services to which
45 35 a covered person is entitled under the terms of a
45 36 health benefit plan.

CODE: Extends the definition of "adverse determination" and "covered benefits" to include dental care.

45 37 Sec. 137. Section 514J.102, Code Supplement 2011,
45 38 is amended by adding the following new subsection:
45 39 NEW SUBSECTION 11A. "Dental care services" means
45 40 services for diagnostic, preventive, maintenance, and
45 41 therapeutic dental care that is provided under chapter
45 42 153.

CODE: Defines dental care services.

45 43 Sec. 138. Section 514J.103, subsection 1, Code
45 44 Supplement 2011, is amended to read as follows:
45 45 1. Except as provided in subsection 2, this chapter
45 46 shall apply to all health carriers, including health
45 47 carriers issuing a policy or certificate that provides
45 48 coverage for dental care.

CODE: Adds dental insurance to the requirements of the Iowa Code chapter regarding special health and accident insurance coverage.

45 49 Sec. 139. Section 514J.103, subsection 2, paragraph
45 50 a, Code Supplement 2011, is amended to read as follows:
46 1 a. A policy or certificate that provides coverage
46 2 only for a specified disease, specified accident or
46 3 accident-only, credit, disability income, hospital

CODE: Technical change. Removes dental care insurance from the list of insurance coverages exempted from the Iowa Code chapter regarding special health and accident insurance coverage.

46 4 indemnity, long-term care, dental care, vision care, or
46 5 any other limited supplemental benefit.

46 6 DIVISION XII
46 7 EARLY INTERVENTION BLOCK GRANT PROGRAM

46 8 Sec. 140. REPEAL. Section 256D.9, Code 2011, is
46 9 repealed.
46 10 Sec. 141. EFFECTIVE DATE. This division of this
46 11 Act takes effect June 30, 2012.

CODE: Eliminates the repeal of the Early Intervention Block Grant Program. This Division is effective on June 30, 2012.

DETAIL: Under current law, the Program will be repealed at the end of FY 2012. Funding for the Program is generated through the State categorical supplement provision in the State school aid formula and is estimated to generate approximately \$30,300,000 in FY 2013.

46 12 DIVISION XIII
46 13 JUVENILE OFFENDERS

46 14 Sec. 142. Section 232.8, subsection 1, paragraph c,
46 15 Code 2011, is amended to read as follows:
46 16 c. Violations by a child, aged sixteen or older,
46 17 which subject the child to the provisions of section
46 18 124.401, subsection 1, paragraph "e" or "f", or
46 19 violations of section 723A.2 which involve a violation
46 20 of chapter 724, or violation of chapter 724 which
46 21 constitutes a felony, or violations which constitute
46 22 a forcible felony are excluded from the jurisdiction
46 23 of the juvenile court and shall be prosecuted as
46 24 otherwise provided by law unless the district court
46 25 transfers jurisdiction of the child to the juvenile
46 26 court upon motion and for good cause pursuant to
46 27 section 803.6. ~~A child over whom jurisdiction has not~~
46 28 ~~been transferred to the juvenile court, and who is~~
46 29 ~~convicted of a violation excluded from the jurisdiction~~
46 30 ~~of the juvenile court under this paragraph, shall be~~
46 31 ~~sentenced pursuant to section 124.401B, 902.9, or~~
46 32 ~~903.4.~~ Notwithstanding any other provision of the
46 33 Code to the contrary, the district court may accept
46 34 from a child in district court a plea of guilty, or
46 35 may instruct the jury on a lesser included offense
46 36 to the offense excluded from the jurisdiction of the
46 37 juvenile court under this section, in the same manner
46 38 as regarding an adult. The judgment and sentence of
46 39 a child in district court shall be as provided in
46 40 section 901.5. However, the juvenile court shall
46 41 have exclusive original jurisdiction in a proceeding
46 42 concerning an offense of animal torture as provided in

CODE: Modifies the placement in district court and the sentencing options for a youthful offender.

FISCAL IMPACT: Minimal fiscal impact.

46 43 section 717B.3A alleged to have been committed by a
46 44 child under the age of seventeen.

46 45 Sec. 143. Section 232.8, subsection 3, paragraph a,
46 46 Code 2011, is amended to read as follows:

46 47 a. The juvenile court, after a hearing and in
46 48 accordance with the provisions of section 232.45, may
46 49 waive jurisdiction of a child alleged to have committed
46 50 a public offense so that the child may be prosecuted
47 1 as an adult or youthful offender for such offense in
47 2 another court. If the child, ~~except a child being~~
47 3 ~~prosecuted as a youthful offender~~, pleads guilty or is
47 4 found guilty of a public offense other than a class "A"
47 5 felony in another court of this state, that court may
47 6 suspend the sentence or, with the consent of the child,
47 7 defer judgment and without regard to restrictions
47 8 placed upon deferred judgments for adults, place the
47 9 child on probation for a period of not less than one
47 10 year upon such conditions as it may require. Upon
47 11 fulfillment of the conditions of probation, a child
47 12 who receives a deferred judgment shall be discharged
47 13 without entry of judgment. A child prosecuted as
47 14 a youthful offender shall be sentenced pursuant to
47 15 section 907.3A.

47 16 Sec. 144. Section 232.45, subsection 6, unnumbered
47 17 paragraph 1, Code 2011, is amended to read as follows:

47 18 At the conclusion of the waiver hearing the court
47 19 may waive its jurisdiction over the child for the
47 20 alleged commission of the public offense for the
47 21 purpose of prosecution of the child as an adult if all
47 22 of the following apply:

47 23 Sec. 145. Section 232.45, subsection 7, paragraph
47 24 a, subparagraph (1), Code 2011, is amended to read as
47 25 follows:

47 26 (1) The child is twelve through fifteen years of
47 27 age or ~~younger~~ the child is ten or eleven years of age
47 28 and has been charged with a public offense that would
47 29 be classified as a class "A" felony if committed by an
47 30 adult.

47 31 Sec. 146. Section 232.45A, subsections 2 and 3,
47 32 Code 2011, are amended to read as follows:

47 33 2. Once a child sixteen years of age or older
47 34 has been waived to ~~and convicted of an aggravated~~
47 35 ~~misdemeanor or a felony in~~ by the juvenile court to the
47 36 district court, all subsequent criminal proceedings
47 37 against the child ~~for any aggravated misdemeanor~~
47 38 ~~or felony occurring subsequent to the date of the~~

47 39 conviction of the child for any delinquent act
47 40 committed after the date of the waiver by the juvenile
47 41 court shall begin in district court, notwithstanding
47 42 sections 232.8 and 232.45. A copy of the findings
47 43 required by section 232.45, subsection 10, shall
47 44 be made a part of the record in the district court
47 45 proceedings. However, upon acquittal or dismissal
47 46 in district court of all waived offenses and all
47 47 lesser included offenses of the waived offenses, the
47 48 proceedings for any delinquent act committed by the
47 49 child subsequent to such acquittal or dismissal shall
47 50 begin in juvenile court. Any proceedings initiated in
48 1 district court for a public offense committed by the
48 2 child subsequent to the waiver by the juvenile court,
48 3 but prior to any acquittal or dismissal of all waived
48 4 offenses and lesser included offenses in district
48 5 court, shall remain in district court.

48 6 3. If proceedings against a child ~~for an aggravated~~
48 7 ~~misdemeanor or a felony~~ sixteen years of age or older
48 8 who has previously been waived to ~~and convicted of~~
48 9 ~~an aggravated misdemeanor or a felony in the district~~
48 10 court are mistakenly begun in the juvenile court, the
48 11 matter shall be transferred to district court upon
48 12 the discovery of the prior waiver and conviction,
48 13 notwithstanding sections 232.8 and 232.45.

48 14 Sec. 147. Section 232.50, subsection 1, Code 2011,
48 15 is amended to read as follows:

48 16 1. As soon as practicable following the entry
48 17 of an order of adjudication pursuant to section
48 18 232.47 or notification that the child has ~~received a~~
48 19 ~~youthful offender deferred sentence~~ been placed on
48 20 youthful offender status pursuant to section 907.3A,
48 21 the court shall hold a dispositional hearing in order
48 22 to determine what disposition should be made of the
48 23 matter.

48 24 Sec. 148. Section 232.52, subsection 1, Code 2011,
48 25 is amended to read as follows:

48 26 1. Pursuant to a hearing as provided in section
48 27 232.50, the court shall enter the least restrictive
48 28 dispositional order appropriate in view of the
48 29 seriousness of the delinquent act, the child's
48 30 culpability as indicated by the circumstances of
48 31 the particular case, the age of the child, the
48 32 child's prior record, or the fact that the child has
48 33 ~~received a youthful offender deferred sentence~~ been
48 34 placed on youthful offender status under section

48 35 907.3A. The order shall specify the duration and
48 36 the nature of the disposition, including the type of
48 37 residence or confinement ordered and the individual,
48 38 agency, department, or facility in whom custody is
48 39 vested. In the case of a child who has ~~received a~~
48 40 ~~youthful offender deferred sentence~~ been placed on
48 41 youthful offender status, the initial duration of the
48 42 dispositional order shall be until the child reaches
48 43 the age of eighteen.

48 44 Sec. 149. Section 232.54, subsection 1, paragraph
48 45 g, Code 2011, is amended to read as follows:

48 46 g. With respect to a juvenile court dispositional
48 47 order entered regarding a child who has ~~received a~~
48 48 ~~youthful offender deferred sentence~~ been placed on
48 49 youthful offender status under section 907.3A, the
48 50 dispositional order may be terminated prior to the
49 1 child reaching the age of eighteen upon motion of the
49 2 child, the person or agency to whom custody of the
49 3 child has been transferred, or the county attorney
49 4 following a hearing before the juvenile court if it is
49 5 shown by clear and convincing evidence that it is in
49 6 the best interests of the child and the community to
49 7 terminate the order. The hearing may be waived if all
49 8 parties to the proceeding agree. The dispositional
49 9 order regarding a child who has ~~received a youthful~~
49 10 ~~offender deferred sentence~~ been placed on youthful
49 11 offender status may also be terminated prior to the
49 12 child reaching the age of eighteen upon motion of the
49 13 county attorney, if the waiver of the child to district
49 14 court was conditioned upon the terms of an agreement
49 15 between the county attorney and the child, and the
49 16 child violates the terms of the agreement after the
49 17 waiver order has been entered. The district court
49 18 shall discharge the child's youthful offender status
49 19 upon receiving a termination order under this section.

49 20 Sec. 150. Section 232.54, subsection 1, paragraph
49 21 h, unnumbered paragraph 1, Code 2011, is amended to
49 22 read as follows:

49 23 With respect to a dispositional order entered
49 24 regarding a child who has ~~received a youthful offender~~
49 25 ~~deferred sentence~~ been placed on youthful offender
49 26 status under section 907.3A, the juvenile court may,
49 27 in the case of a child who violates the terms of the
49 28 order, modify or terminate the order in accordance with
49 29 the following:

49 30 Sec. 151. Section 232.55, subsection 3, Code 2011,

49 31 is amended to read as follows:

49 32 3. This section does not apply to dispositional
49 33 orders entered regarding a child who has ~~received a~~
49 34 ~~youthful offender deferred sentence~~ been placed on
49 35 youthful offender status under section 907.3A who
49 36 is not discharged from probation before or upon the
49 37 child's eighteenth birthday.

49 38 Sec. 152. Section 232.56, Code 2011, is amended to
49 39 read as follows:

49 40 232.56 YOUTHFUL OFFENDERS — TRANSFER TO DISTRICT
49 41 COURT SUPERVISION.

49 42 The juvenile court shall deliver a report, which
49 43 includes an assessment of the child by a juvenile court
49 44 officer after consulting with the judicial district
49 45 department of correctional services, to the district
49 46 court prior to the eighteenth birthday of a child who
49 47 has ~~received a youthful offender deferred sentence~~
49 48 been placed on youthful offender status under section
49 49 907.3A. A hearing shall be held in the district court
49 50 in accordance with section 907.3A to determine whether
50 1 the child should be discharged from youthful offender
50 2 status or whether the child shall continue under the
50 3 supervision of the district court after the child's
50 4 eighteenth birthday.

50 5 Sec. 153. Section 901.5, Code Supplement 2011, is
50 6 amended by adding the following new subsection:
50 7 NEW SUBSECTION 14. Notwithstanding any provision
50 8 in section 907.3 or any other provision of law
50 9 prescribing a mandatory minimum sentence for the
50 10 offense, if the defendant is guilty of a public offense
50 11 other than a class "A" felony, and was a minor at
50 12 the time the offense was committed, the court may
50 13 suspend the sentence in whole or in part, including any
50 14 mandatory minimum sentence, defer sentence, or with the
50 15 consent of the defendant, defer judgment, and place the
50 16 defendant on probation, upon such conditions as the
50 17 court may require.

50 18 Sec. 154. Section 907.3A, Code 2011, is amended to
50 19 read as follows:

50 20 907.3A YOUTHFUL ~~OFFENDER DEFERRED SENTENCE~~ —
50 21 ~~YOUTHFUL~~ OFFENDER STATUS.

50 22 1. Notwithstanding section 907.3 but subject to any
50 23 conditions of the waiver order, the trial court shall,
50 24 upon a plea of guilty or a verdict of guilty, ~~defer~~
50 25 ~~sentence of a youthful offender~~ place the juvenile
50 26 over whom the juvenile court has waived jurisdiction

50 27 pursuant to section 232.45, subsection 7, and place
50 28 ~~the juvenile~~ on youthful offender status. The court
50 29 shall transfer supervision of the youthful offender
50 30 to the juvenile court for disposition in accordance
50 31 with section 232.52. An adjudication of delinquency
50 32 entered by the juvenile court at disposition for
50 33 a public offense shall not be deemed a conviction
50 34 and shall not preclude the subsequent entry of a
50 35 deferred judgment, conviction, or sentence by the
50 36 district court. The court shall require supervision
50 37 of the youthful offender in accordance with section
50 38 232.54, subsection 1, paragraph "h", or subsection 2
50 39 of this section. ~~Notwithstanding section 901.2, a~~
50 40 ~~presentence investigation shall not be ordered by the~~
50 41 ~~court subsequent to an entry of a plea of guilty or~~
50 42 ~~verdict of guilty or prior to deferral of sentence of a~~
50 43 ~~youthful offender under this section.~~

50 44 2. The court shall hold a hearing prior to a
50 45 youthful offender's eighteenth birthday to determine
50 46 whether the youthful offender shall continue on
50 47 youthful offender status after the youthful offender's
50 48 eighteenth birthday ~~under the supervision of the~~
50 49 ~~court or be discharged.~~ Notwithstanding section
50 50 901.2, the court may order a presentence investigation
51 1 report including a report for an offense classified
51 2 as a class "A" felony. The court shall review the
51 3 report of the juvenile court regarding the youthful
51 4 offender ~~and prepared pursuant to section 232.56,~~
51 5 ~~and any presentence investigation report, if ordered~~
51 6 ~~by the court.~~ The court shall hear evidence by or
51 7 on behalf of the youthful offender, by the county
51 8 attorney, and by the person or agency to whom custody
51 9 of the youthful offender was transferred. The court
51 10 shall make its decision, pursuant to the sentencing
51 11 options available in subsection 3, after considering
51 12 the services available to the youthful offender, the
51 13 evidence presented, the juvenile court's report, the
51 14 presentence investigation report if ordered by the
51 15 court, the interests of the youthful offender, and
51 16 interests of the community.

51 17 3. a. Notwithstanding any provision of the Code
51 18 which prescribes a mandatory minimum sentence for the
51 19 offense committed by the youthful offender, following
51 20 transfer of the youthful offender from the juvenile
51 21 court back to the court having jurisdiction over the
51 22 criminal proceedings involving the youthful offender,

51 23 the court may continue the youthful offender deferred
 51 24 ~~sentence or enter a sentence, which may be a suspended~~
 51 25 ~~sentence. shall order one of the following sentencing~~
 51 26 ~~options:~~
 51 27 (1) Defer judgment and place the youthful offender
 51 28 on probation, upon the consent of the youthful
 51 29 offender.
 51 30 (2) Defer the sentence and place the youthful
 51 31 offender on probation upon such terms and conditions
 51 32 as the court may require.
 51 33 (3) Suspend the sentence and place the youthful
 51 34 offender on probation upon such terms and conditions
 51 35 as the court may require.
 51 36 (4) A term of confinement.
 51 37 (5) Discharge the youthful offender from youthful
 51 38 offender status and terminate the sentence.
 51 39 b. Notwithstanding anything in section 907.7 to
 51 40 the contrary, if the district court ~~either grants~~
 51 41 ~~the youthful offender a deferred judgment,~~ continues
 51 42 the youthful offender deferred sentence, or enters a
 51 43 sentence; ~~and~~ suspends the sentence, and places the
 51 44 youthful offender on probation, the term of formal
 51 45 supervision shall commence upon entry of the order by
 51 46 the district court and may continue for a period not
 51 47 to exceed five years. If the district court enters a
 51 48 sentence of confinement, and the youthful offender was
 51 49 previously placed in secure confinement by the juvenile
 51 50 court under the terms of the initial disposition order
 52 1 or any modification to the initial disposition order,
 52 2 the person shall receive credit for any time spent in
 52 3 secure confinement. During any period of probation
 52 4 imposed by the district court, a youthful offender who
 52 5 violates the terms of probation is subject to section
 52 6 908.11.

52 7 DIVISION XIV
 52 8 STATE BOARD OF REGENTS

52 9 Sec. 155. Section 8D.10, Code 2011, is amended to
 52 10 read as follows:
 52 11 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.
 52 12 A state agency which is a part of the network shall
 52 13 annually provide a written report to the general
 52 14 assembly certifying the identified savings associated
 52 15 with the state agency's use of the network. The report
 52 16 shall be delivered on or before January 15 for the

CODE: Specifies that the Board of Regents and its institutions are exempt from the requirement to report on savings obtained through use of the Iowa Communications Network.

52 17 previous fiscal year of the state agency. This section
 52 18 does not apply to the state board of regents or to
 52 19 any institution under control of the state board of
 52 20 regents.

52 21 Sec. 156. Section 262.93, Code 2011, is amended to
 52 22 read as follows:
 52 23 262.93 REPORTS TO GENERAL ASSEMBLY.
 52 24 The college student aid commission and the state
 52 25 board of regents each shall submit to the general
 52 26 assembly, by January 15 of each year, a report on
 52 27 the progress and implementation of the programs
 52 28 which they administer under sections 261.102 through
 52 29 261.105, ~~262.82~~, and 262.92. By January 31 of each
 52 30 year, the state board of regents shall submit a report
 52 31 to the general assembly regarding the progress and
 52 32 implementation of the program administered pursuant to
 52 33 section 262.82. The reports shall include, but are
 52 34 not limited to, the numbers of students and educators
 52 35 participating in the programs and allocation of funds
 52 36 appropriated for the programs.

CODE: Requires the Board of Regents to submit a report to the General Assembly by January 31 of each year regarding the Minority and Women Educators Enhancement Program.

52 37 Sec. 157. Section 263.19, Code 2011, is amended to
 52 38 read as follows:
 52 39 263.19 PURCHASES.
 52 40 Any purchase ~~in excess of ten thousand dollars,~~
 52 41 of materials, appliances, instruments, or supplies by
 52 42 the university of Iowa hospitals and clinics, ~~when the~~
 52 43 ~~price of the materials, appliances, instruments, or~~
 52 44 ~~supplies to be purchased is subject to competition,~~
 52 45 shall be made pursuant to open competitive quotations,
 52 46 and all contracts for such purchases shall be ~~subject~~
 52 47 ~~to chapter 72. However, purchases may be made through~~
 52 48 ~~a hospital group purchasing organization provided~~
 52 49 ~~that the university of Iowa hospitals and clinics~~
 52 50 ~~is a member of the organization in compliance with~~
 53 1 purchasing policies of the state board of regents.

CODE: Clarifies the requirement that purchases made by the University of Iowa Hospitals and Clinics utilize a competitive bid process. Specifies that such contracts must comply with the Board's purchasing policies.

53 2 Sec. 158. Section 432.13, Code 2011, is amended to
 53 3 read as follows:
 53 4 432.13 PREMIUM TAX EXEMPTION — HAWK-I PROGRAM —
 53 5 STATE EMPLOYEE BENEFITS.
 53 6 1. Premiums collected by participating insurers
 53 7 under chapter 514I are exempt from premium tax.
 53 8 2. Premiums received for benefits acquired
 53 9 on behalf of state employees by the department of

CODE: Technical clarification relating to the hawk-i Program to conform the Iowa Code to the current practice.

53 10 administrative services on behalf of state employees
 53 11 pursuant to section 8A.402, subsection 1, and by the
 53 12 state board of regents pursuant to chapter 262, are
 53 13 exempt from premium tax.

53 14 DIVISION XV
 53 15 SALES AND USE TAX

53 16 Sec. 159. Section 423.1, subsection 47, Code
 53 17 Supplement 2011, is amended to read as follows:
 53 18 47. "Retailer" means and includes every person
 53 19 engaged in the business of selling tangible personal
 53 20 property or taxable services at retail, or the
 53 21 furnishing of gas, electricity, water, or communication
 53 22 service, and tickets or admissions to places of
 53 23 amusement and athletic events or operating amusement
 53 24 devices or other forms of commercial amusement
 53 25 from which revenues are derived and includes but is
 53 26 not limited to every retailer maintaining a place
 53 27 of business in this state. However, when in the
 53 28 opinion of the director it is necessary for the
 53 29 efficient administration of this chapter to regard any
 53 30 salespersons, representatives, truckers, peddlers,
 53 31 or canvassers as agents of the dealers, distributors,
 53 32 supervisors, employers, or persons under whom they
 53 33 operate or from whom they obtain tangible personal
 53 34 property sold by them irrespective of whether or not
 53 35 they are making sales on their own behalf or on behalf
 53 36 of such dealers, distributors, supervisors, employers,
 53 37 or persons, the director may so regard them, and
 53 38 may regard such dealers, distributors, supervisors,
 53 39 employers, or persons as retailers for the purposes of
 53 40 this chapter. "Retailer" includes a seller obligated
 53 41 to collect sales or use tax.

53 42 Sec. 160. Section 423.1, subsection 48, Code
 53 43 Supplement 2011, is amended to read as follows:
 53 44 48. a. "Retailer maintaining a place of business
 53 45 in this state" or any like term includes any retailer
 53 46 having or maintaining within this state, directly
 53 47 or by a subsidiary, an office, distribution house,
 53 48 sales house, warehouse, or other place of business,
 53 49 or any representative operating within this state
 53 50 under the authority of the retailer or its subsidiary,
 54 1 irrespective of whether that place of business
 54 2 or representative is located here permanently or
 54 3 temporarily, or whether the retailer or subsidiary is

CODE: Expands the definition, for sales and use tax collection purposes, of a retailer maintaining a place of business in the State to include any person that has substantial nexus in Iowa, other than a common carrier, if that person engages in any of the following activities:

- Sells a similar line of products as the retailer and does so under the same or a similar name.
- Maintains an office, distribution facility, warehouse, storage place, or similar place of business in the State to facilitate the delivery of property or services sold by the retailer to the retailer's customers.
- Uses trademarks, service marks, or trade names in the State that are the same or substantially similar to those used by the retailer.
- Delivers, installs, assembles, or performs maintenance services for the retailer's customers.
- Facilitates the retailer's deliveries of property to customers in the State by allowing the retailer's customers to take delivery of property sold by the retailer at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the State.
- Conducts any other activities in the State that are significantly associated with the retailer's ability to establish and maintain a market for the retailer's sales.

FISCAL IMPACT: The provisions of this Division will currently not impact any retailers in Iowa and is not anticipated to have a fiscal impact in FY 2013. However, in future fiscal years this change may provide for the potential of increased sales tax collection from e-commerce sales within the State. The potential impact on State sales tax revenue may result in an increase in excess of \$4,700,000 annually.

54 4 admitted to do business within this state pursuant to
54 5 chapter 490.
54 6 b. (1) A retailer shall be presumed to be
54 7 maintaining a place of business in this state, as
54 8 defined in paragraph "a", if any person that has
54 9 substantial nexus in this state, other than a person
54 10 acting in its capacity as a common carrier, does any
54 11 of the following:
54 12 (a) Sells a similar line of products as the
54 13 retailer and does so under the same or similar business
54 14 name.
54 15 (b) Maintains an office, distribution facility,
54 16 warehouse, storage place, or similar place of business
54 17 in this state to facilitate the delivery of property
54 18 or services sold by the retailer to the retailer's
54 19 customers.
54 20 (c) Uses trademarks, service marks, or trade
54 21 names in this state that are the same or substantially
54 22 similar to those used by the retailer.
54 23 (d) Delivers, installs, assembles, or performs
54 24 maintenance services for the retailer's customers.
54 25 (e) Facilitates the retailer's delivery of
54 26 property to customers in this state by allowing the
54 27 retailer's customers to take delivery of property sold
54 28 by the retailer at an office, distribution facility,
54 29 warehouse, storage place, or similar place of business
54 30 maintained by the person in this state.
54 31 (f) Conducts any other activities in this state
54 32 that are significantly associated with the retailer's
54 33 ability to establish and maintain a market in this
54 34 state for the retailer's sales.
54 35 (2) The presumption established in this paragraph
54 36 may be rebutted by a showing of proof that the
54 37 person's activities in this state are not significantly
54 38 associated with the retailer's ability to establish
54 39 or maintain a market in this state for the retailer's
54 40 sales.
54 41 Sec. 161.NEW SECTION 423.13A ADMINISTRATION —
54 42 EFFECTIVENESS OF AGREEMENTS WITH RETAILERS.
54 43 1. Notwithstanding any provision of this chapter
54 44 to the contrary, any ruling, agreement, or contract,
54 45 whether written or oral, express or implied, entered
54 46 into after the effective date of this division of
54 47 this Act between a retailer and a state agency which
54 48 provides that a retailer is not required to collect
54 49 sales and use tax in this state despite the presence

54 50 in this state of a warehouse, distribution center, or
 55 1 fulfillment center that is owned and operated by the
 55 2 retailer or an affiliate of the retailer shall be null
 55 3 and void unless such ruling, agreement, or contract
 55 4 is approved by a majority vote of both houses of the
 55 5 general assembly.
 55 6 2. For purposes of this section, "state agency"
 55 7 means the executive branch, including any executive
 55 8 department, commission, board, institution, division,
 55 9 bureau, office, agency, or other entity of state
 55 10 government. "State agency" does not mean the general
 55 11 assembly, or the judicial branch as provided in section
 55 12 602.1102.
 55 13 Sec. 162. Section 423.36, Code 2011, is amended by
 55 14 adding the following new subsection:
 55 15 NEW SUBSECTION 1A. a. Notwithstanding subsection
 55 16 1, if any person will make taxable sales of tangible
 55 17 personal property or furnish services to any state
 55 18 agency, that person shall, prior to the sale, apply
 55 19 for and receive a permit to collect sales or use tax
 55 20 pursuant to this section. A state agency shall not
 55 21 purchase tangible personal property or services from
 55 22 any person unless that person has a valid, unexpired
 55 23 permit issued pursuant to this section and is in
 55 24 compliance with all other requirements in this chapter
 55 25 imposed upon retailers, including but not limited to
 55 26 the requirement to collect and remit sales and use tax
 55 27 and file sales tax returns.
 55 28 b. For purposes of this subsection, "state
 55 29 agency" means any executive, judicial, or legislative
 55 30 department, commission, board, institution, division,
 55 31 bureau, office, agency, or other entity of state
 55 32 government.

55 33 DIVISION XVI
 55 34 COMMERCIAL ESTABLISHMENT FUND

55 35 Sec. 163. Section 162.2, Code 2011, is amended by
 55 36 adding the following new subsections:
 55 37 NEW SUBSECTION 12A. "Dispositional expenses" means
 55 38 the same as defined in section 717B.1.
 55 39 NEW SUBSECTION 16A. "Local authority" means the
 55 40 same as defined in section 717B.1.

CODE: Adds the definitions of "dispositional expenses" and "local authority" to the Iowa Code section for the Commercial Establishment Fund.

55 41 Sec. 164. Section 162.2, subsection 27, Code 2011,
 55 42 is amended to read as follows:

Adds farm deer and poultry to the list of animals not included in the Care of Animals in Commercial Establishments Program as outlined in

55 43 27. "Vertebrate animal" means those vertebrate
 55 44 animals other than members of the equine, bovine,
 55 45 ~~caprine~~, ovine, ~~and or~~ porcine species, ~~and~~ ostriches,
 55 46 ruelas, ~~or~~ emus, farm deer as defined in section 170.1.
 55 47 or poultry.

Iowa Code chapter 162.

55 48 Sec. 165. Section 162.2C, Code 2011, is amended by
 55 49 adding the following new subsections:

55 50 NEW SUBSECTION 2A. The fiscal year of the fund
 56 1 begins July 1 and ends June 30. Fiscal quarters of the
 56 2 fund begin July 1, October 1, January 1, and April 1.

56 3 NEW SUBSECTION 2B. The fund shall include two
 56 4 accounts, a general account and a dispositional
 56 5 account.

56 6 a. Except as provided in paragraph "b", the general
 56 7 account is composed of all moneys deposited in the fund
 56 8 as provided in subsection 2. The department shall
 56 9 utilize moneys in the general account to provide for
 56 10 the administration and enforcement of this chapter.

56 11 b. The dispositional account is composed of all
 56 12 fees collected pursuant to section 162.2B, until the
 56 13 department determines that the account has achieved
 56 14 a threshold of at least two hundred fifty thousand
 56 15 dollars. At the end of each fiscal quarter the
 56 16 department shall determine the balance of unencumbered
 56 17 and unobligated moneys in the account, and may transfer
 56 18 any moneys in the account exceeding the threshold to
 56 19 the general account. The department shall return
 56 20 any unexpended and unobligated moneys expended from
 56 21 the dispositional account back to that account, or
 56 22 the general account if the dispositional account's
 56 23 threshold is achieved.

CODE: Makes changes to the Commercial Establishment Fund administered by the DALs by defining when a fiscal quarter ends and by creating two accounts within the Fund. This includes the General Account that pays for administrative and enforcement expenditures and the Dispositional Account that will be used to reimburse local authorities that have eligible claims for enforcing the law related to animals in commercial establishments. Further specifies that fees collected will first be deposited in the Dispositional Account until the balance has reached \$250,000.

FISCAL IMPACT: The Fund has collected \$233,000 in revenue and the current balance in the Fund is \$225,000.

56 24 Sec. 166. NEW SECTION 162.2D PAYMENT OF
 56 25 DISPOSITIONAL EXPENSES INCURRED BY LOCAL AUTHORITIES.

56 26 1. Moneys deposited into the dispositional account
 56 27 of the commercial establishment fund created in section
 56 28 162.2C are appropriated to the department to pay
 56 29 eligible claims submitted to the department by local
 56 30 authorities for dispositional expenses incurred by
 56 31 the local authority, including by providing for the
 56 32 maintenance of a vertebrate animal subject to a court
 56 33 hearing pursuant to section 717B.4 or rescued pursuant
 56 34 to section 717B.5. This section does not apply to
 56 35 livestock as defined in section 717.1.

56 36 2. The department shall pay an eligible claim

CODE: Specifies that funds in the Dispositional Account will be used to reimburse local authorities for eligible claims and specifies the procedures for paying an eligible claim.

56 37 according to procedures adopted by departmental
56 38 rule. In order for a claim to be eligible, all of the
56 39 following must apply:

56 40 a. At the time of the hearing for the disposition
56 41 of the vertebrate animal or the rescue of the
56 42 vertebrate animal, the vertebrate animal must have been
56 43 possessed or controlled by a commercial establishment
56 44 that possessed or controlled more than twenty
56 45 vertebrate animals at any one time during the prior
56 46 twelve months.

56 47 b. The commercial establishment must be required to
56 48 operate pursuant to an authorization issued or renewed
56 49 pursuant to section 162.2A, regardless of whether the
56 50 commercial establishment is actually issued or renewed
57 1 such authorization.

57 2 c. The dispositional expenses must be actually
57 3 and reasonably incurred by the local authority,
57 4 including by an animal care provider providing for the
57 5 maintenance of the vertebrate animal under contract
57 6 with the local authority.

57 7 d. The local authority must submit the claim to the
57 8 department according to procedures established by rules
57 9 adopted by the department. A claim is not eligible
57 10 if submitted twelve months or more after the local
57 11 authority has incurred its final dispositional expense.

57 12 3. A claim is eligible for payment even if any of
57 13 the following applies:

57 14 a. The responsible party has posted a bond or
57 15 other security with the local authority as provided in
57 16 section 717B.4.

57 17 b. The local authority may receive a future payment
57 18 for the dispositional expense from a responsible party
57 19 as provided in section 717B.4.

57 20 4. Upon a determination that the claim is eligible,
57 21 the department shall provide for payment to the local
57 22 authority of one hundred percent of the claimed amount.
57 23 If there are insufficient moneys in the dispositional
57 24 account to make full payment of all eligible claims,
57 25 the department shall prorate the payment amounts and
57 26 defer the remaining payment until the dispositional
57 27 account again contains sufficient moneys.

57 28 5. A local authority shall repay the department
57 29 the claimed amount as provided in subsection 4 from
57 30 any moneys received by the local authority from a
57 31 responsible party for dispositional expenses pursuant
57 32 to section 717B.4. The department shall deposit the

57 33 moneys in the commercial establishment fund as provided
57 34 in section 162.2C.

57 35 Sec. 167. Section 717B.1, Code 2011, is amended by
57 36 adding the following new subsection:
57 37 NEW SUBSECTION 3A. "Department" means the
57 38 department of agriculture and land stewardship.

CODE: Adds the definition of "Department" to the Iowa Code section for injury to animals other than livestock.

57 39 Sec. 168. NEW SECTION 717B.5A DISPOSITIONAL
57 40 EXPENSES — COMMERCIAL ESTABLISHMENT FUND.
57 41 A local authority may submit a claim to the
57 42 department to pay for dispositional expenses incurred
57 43 by the local authority if the local authority complies
57 44 with the requirements provided in section 162.2D.

CODE: Allows local authorities to submit eligible claims to the Dispositional Account in the Commercial Establishment Fund.

57 45 2 Title page, by striking lines 1 through 5 and
57 46 inserting An Act relating to state and local finances
57 47 by making and adjusting appropriations, providing for
57 48 funding of property tax credits and reimbursements and
57 49 for other matters pertaining to taxation, providing
57 50 for fees and criminal penalties, providing for legal
58 1 responsibilities, providing for certain insurance and
58 2 employee benefits, and providing for properly related
58 3 matters, and including effective date and retroactive
58 4 and other applicability provisions.

58 5 3 By renumbering as necessary.

Summary Data General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| Agriculture and Natural Resources | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Economic Development | 358,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Education | 8,500,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Health and Human Services | 0 | 0 | 0 | 0 | 137,000 | 137,000 | 137,000 |
| Justice System | 50,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transportation, Infrastructure, and Capitals | 0 | 0 | 0 | 0 | 1,000,000 | 1,000,000 | 1,000,000 |
| Unassigned Standings | <u>5,000,000</u> | <u>2,895,381,604</u> | <u>-61,801,695</u> | <u>2,833,579,909</u> | <u>-54,258,771</u> | <u>2,841,122,833</u> | <u>7,542,924</u> |
| Grand Total | <u>\$ 18,908,000</u> | <u>\$ 2,895,381,604</u> | <u>\$ -61,801,695</u> | <u>\$ 2,833,579,909</u> | <u>\$ -53,121,771</u> | <u>\$ 2,842,259,833</u> | <u>\$ 8,679,924</u> |

Agriculture and Natural Resources General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Agriculture and Land Stewardship</u> | | | | | | | |
| Agriculture and Land Stewardship | | | | | | | |
| Watershed Improvement Fund | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Agriculture and Land Stewardship | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Agriculture and Natural Resources | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Economic Development General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Cultural Affairs, Dept. of</u> | | | | | | | |
| Cultural Affairs, Dept. of Iowa Memorial at Vicksburg | \$ 320,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Cultural Affairs, Dept. of | \$ 320,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| <u>Iowa Workforce Development</u> | | | | | | | |
| Iowa Workforce Development | | | | | | | |
| Labor Mgmt Council 1 | \$ 23,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Labor Mgmt Council 2 | 15,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Iowa Workforce Development | \$ 38,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Economic Development | \$ 358,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Education General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|---------------------------------|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Regents, Board of</u> | | | | | | | |
| Regents, Board of | | | | | | | |
| UNI - Price Lab School | \$ 3,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| ISU - Bioscience Initiative | 5,500,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Regents, Board of | \$ 8,500,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Education | \$ 8,500,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Health and Human Services General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Public Health, Dept. of</u> | | | | | | | |
| Public Health, Dept. of Iowa Youth Suicide Prevention | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 137,000 | \$ 137,000 | \$ 137,000 |
| Total Public Health, Dept. of | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 137,000 | \$ 137,000 | \$ 137,000 |
| Total Health and Human Services | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 137,000 | \$ 137,000 | \$ 137,000 |

Justice System General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|---|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Public Safety, Department of</u> | | | | | | | |
| Public Safety, Dept. of | | | | | | | |
| Public Safety Training Task Force | \$ 50,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Public Safety, Department of | \$ 50,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Justice System | \$ 50,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Transportation, Infrastructure, and Capitals General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|---|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Transportation, Dept. of</u> | | | | | | | |
| Transportation, Dept. of Keep Iowa Beautiful Fund | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 1,000,000 | \$ 1,000,000 | \$ 1,000,000 |
| Total Transportation, Dept. of | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 1,000,000</u> | <u>\$ 1,000,000</u> | <u>\$ 1,000,000</u> |
| Total Transportation, Infrastructure, and Capitals | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 1,000,000</u> | <u>\$ 1,000,000</u> | <u>\$ 1,000,000</u> |

Unassigned Standings General Fund

| | Supp-Senate Action FY 2012 (1) | Enacted FY 2013 (2) | House Action FY 2013 (3) | Total House FY 2013 (4) | Senate Action FY 2013 (5) | Total Senate FY 2013 (6) | Senate vs House (7) |
|---|--------------------------------------|---------------------------|--------------------------------|-------------------------------|---------------------------------|--------------------------------|---------------------------|
| <u>Administrative Services, Dept. of</u> | | | | | | | |
| State Accounting Trust Accounts | | | | | | | |
| Municipal Fire & Police Retirement | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Administrative Services, Dept. of | \$ 5,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| <u>Cultural Affairs, Dept. of</u> | | | | | | | |
| Cultural Affairs, Dept. of | | | | | | | |
| County Endowment Funding - DCA Grants | \$ 0 | \$ 208,351 | \$ 166,264 | \$ 374,615 | \$ 208,351 | \$ 416,702 | \$ 42,087 |
| Total Cultural Affairs, Dept. of | \$ 0 | \$ 208,351 | \$ 166,264 | \$ 374,615 | \$ 208,351 | \$ 416,702 | \$ 42,087 |
| <u>Economic Development Authority</u> | | | | | | | |
| Economic Development Authority | | | | | | | |
| Tourism Marketing - Adjusted Gross Receipts | \$ 0 | \$ 405,153 | \$ 323,312 | \$ 728,465 | \$ 405,153 | \$ 810,306 | \$ 81,841 |
| Total Economic Development Authority | \$ 0 | \$ 405,153 | \$ 323,312 | \$ 728,465 | \$ 405,153 | \$ 810,306 | \$ 81,841 |
| <u>Education, Dept. of</u> | | | | | | | |
| Education, Dept. of | | | | | | | |
| Child Development | \$ 0 | \$ 5,364,446 | \$ 4,280,827 | \$ 9,645,273 | \$ 5,364,445 | \$ 10,728,891 | \$ 1,083,618 |
| State Foundation School Aid | 0 | 2,659,200,000 | -10,000,000 | 2,649,200,000 | -5,000,000 | 2,654,200,000 | 5,000,000 |
| Total Education, Dept. of | \$ 0 | \$ 2,664,564,446 | \$ -5,719,173 | \$ 2,658,845,273 | \$ 364,445 | \$ 2,664,928,891 | \$ 6,083,618 |
| <u>Legislative Branch</u> | | | | | | | |
| Legislative Services Agency | | | | | | | |
| Legislative Branch | \$ 0 | \$ 35,900,000 | \$ -2,150,000 | \$ 33,750,000 | \$ 0 | \$ 35,900,000 | \$ 2,150,000 |
| Total Legislative Branch | \$ 0 | \$ 35,900,000 | \$ -2,150,000 | \$ 33,750,000 | \$ 0 | \$ 35,900,000 | \$ 2,150,000 |
| <u>Public Health, Dept. of</u> | | | | | | | |
| Public Health, Dept. of | | | | | | | |
| Congenital & Inherited Disorders Registry | \$ 0 | \$ 85,560 | \$ 146,940 | \$ 232,500 | \$ 146,940 | \$ 232,500 | \$ 0 |
| Total Public Health, Dept. of | \$ 0 | \$ 85,560 | \$ 146,940 | \$ 232,500 | \$ 146,940 | \$ 232,500 | \$ 0 |

Unassigned Standings General Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|---|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Human Services, Dept. of</u> | | | | | | | |
| Assistance | | | | | | | |
| Child Abuse Prevention | \$ 0 | \$ 108,886 | \$ 123,614 | \$ 232,500 | \$ 123,614 | \$ 232,500 | \$ 0 |
| Total Human Services, Dept. of | \$ 0 | \$ 108,886 | \$ 123,614 | \$ 232,500 | \$ 123,614 | \$ 232,500 | \$ 0 |
| <u>Management, Dept. of</u> | | | | | | | |
| Management, Dept. of | | | | | | | |
| Health Care-Employee Contribution | \$ 0 | \$ 0 | \$ -46,700,000 | \$ -46,700,000 | \$ 0 | \$ 0 | \$ 46,700,000 |
| Total Management, Dept. of | \$ 0 | \$ 0 | \$ -46,700,000 | \$ -46,700,000 | \$ 0 | \$ 0 | \$ 46,700,000 |
| <u>Natural Resources, Dept. of</u> | | | | | | | |
| Natural Resources | | | | | | | |
| REAP GF Standing | \$ 0 | \$ 20,000,000 | \$ -8,000,000 | \$ 12,000,000 | \$ 0 | \$ 20,000,000 | \$ 8,000,000 |
| Total Natural Resources, Dept. of | \$ 0 | \$ 20,000,000 | \$ -8,000,000 | \$ 12,000,000 | \$ 0 | \$ 20,000,000 | \$ 8,000,000 |
| <u>Revenue, Dept. of</u> | | | | | | | |
| Revenue, Dept. of | | | | | | | |
| Ag Land Tax Credit - GF | \$ 0 | \$ 39,100,000 | \$ 0 | \$ 39,100,000 | \$ -6,704,869 | \$ 32,395,131 | \$ -6,704,869 |
| Homestead Tax Credit Aid - GF | 0 | 135,000,000 | 0 | 135,000,000 | -48,811,613 | 86,188,387 | -48,811,613 |
| Tobacco Reporting Requirements | 0 | 9,208 | 7,348 | 16,556 | 9,208 | 18,416 | 1,860 |
| Total Revenue, Dept. of | \$ 0 | \$ 174,109,208 | \$ 7,348 | \$ 174,116,556 | \$ -55,507,274 | \$ 118,601,934 | \$ -55,514,622 |
| Total Unassigned Standings | \$ 5,000,000 | \$ 2,895,381,604 | \$ -61,801,695 | \$ 2,833,579,909 | \$ -54,258,771 | \$ 2,841,122,833 | \$ 7,542,924 |

Summary Data Other Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|-----------------------------------|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| Agriculture and Natural Resources | \$ 2,865,743 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Unassigned Standings | <u>0</u> | <u>0</u> | <u>-62,000,000</u> | <u>-62,000,000</u> | <u>55,516,482</u> | <u>55,516,482</u> | <u>117,516,482</u> |
| Grand Total | <u>\$ 2,865,743</u> | <u>\$ 0</u> | <u>\$ -62,000,000</u> | <u>\$ -62,000,000</u> | <u>\$ 55,516,482</u> | <u>\$ 55,516,482</u> | <u>\$ 117,516,482</u> |

Agriculture and Natural Resources

Other Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Natural Resources, Dept. of</u> | | | | | | | |
| Natural Resources | | | | | | | |
| Missouri River Flood Damage-EEF | \$ 2,865,743 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Natural Resources, Dept. of | <u>\$ 2,865,743</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |
| Total Agriculture and Natural Resources | <u><u>\$ 2,865,743</u></u> | <u><u>\$ 0</u></u> | <u><u>\$ 0</u></u> | <u><u>\$ 0</u></u> | <u><u>\$ 0</u></u> | <u><u>\$ 0</u></u> | <u><u>\$ 0</u></u> |

Unassigned Standings Other Fund

| | Supp-Senate Action FY 2012 <u>(1)</u> | Enacted FY 2013 <u>(2)</u> | House Action FY 2013 <u>(3)</u> | Total House FY 2013 <u>(4)</u> | Senate Action FY 2013 <u>(5)</u> | Total Senate FY 2013 <u>(6)</u> | Senate vs House <u>(7)</u> |
|--|---|----------------------------------|---------------------------------------|--------------------------------------|--|---------------------------------------|----------------------------------|
| <u>Management, Dept. of</u> | | | | | | | |
| Management, Dept. of | | | | | | | |
| Health Care - Employee Contribution (OF) | \$ 0 | \$ 0 | \$ -62,000,000 | \$ -62,000,000 | \$ 0 | \$ 0 | \$ 62,000,000 |
| Total Management, Dept. of | \$ 0 | \$ 0 | \$ -62,000,000 | \$ -62,000,000 | \$ 0 | \$ 0 | \$ 62,000,000 |
| <u>Revenue, Dept. of</u> | | | | | | | |
| Revenue, Dept. of | | | | | | | |
| Homestead Tax Credit - TTF | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 48,811,613 | \$ 48,811,613 | \$ 48,811,613 |
| Ag Land Tax Credit - TTF | 0 | 0 | 0 | 0 | 6,704,869 | 6,704,869 | 6,704,869 |
| Total Revenue, Dept. of | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 55,516,482 | \$ 55,516,482 | \$ 55,516,482 |
| Total Unassigned Standings | \$ 0 | \$ 0 | \$ -62,000,000 | \$ -62,000,000 | \$ 55,516,482 | \$ 55,516,482 | \$ 117,516,482 |